

<p style="text-align: center;">BUREAU OF LAND MANAGEMENT CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL</p> <p style="text-align: center;">REPORTER'S TRANSCRIPT OF PROCEEDINGS</p> <p>LOCATION: RESIDENCE INN BY MARRIOTT 38305 Cook Street Palm Desert, CA 92211</p> <p>DATE AND TIME: Saturday, December 12, 2009 8:09 a.m. to 4:16 p.m.</p> <p>REPORTED BY: DIANE CARVER MANN, CSR CSR NO. 6008</p> <p>JOB NO.: 68710DM</p>	<p style="text-align: center;">I-N-D-E-X</p> <table> <tr> <th></th><th style="text-align: right;">PAGE</th></tr> <tr> <td>Welcome/Pledge of Allegiance (Chair)</td><td></td></tr> <tr> <td>    Introductions</td><td style="text-align: right;">4</td></tr> <tr> <td>    Approval of Meeting Transcript</td><td style="text-align: right;">6</td></tr> <tr> <td>    Review of Agenda</td><td style="text-align: right;">6</td></tr> <tr> <td>Council Member Reports</td><td style="text-align: right;">7</td></tr> <tr> <td>Discussion Regarding Procedure for Placing Items on Future Agendas</td><td style="text-align: right;">23</td></tr> <tr> <td>Nominations</td><td style="text-align: right;">27</td></tr> <tr> <td>Field Office Reports</td><td></td></tr> <tr> <td>    Palm Springs South Coast (John Kalish)</td><td style="text-align: right;">29</td></tr> <tr> <td>Public Questions for Items not on Agenda</td><td style="text-align: right;">41</td></tr> <tr> <td>District Manager's Report (Steve Borchard)</td><td style="text-align: right;">53</td></tr> <tr> <td>Summary of Grazing Data Findings (Jack Hamby)</td><td style="text-align: right;">60</td></tr> <tr> <td>Continued District Manager's Report</td><td style="text-align: right;">68</td></tr> <tr> <td>ISDRA Subgroup Updates     (Randy Banis and Richard Holliday)</td><td style="text-align: right;">108</td></tr> <tr> <td>Subgroup Handbook Presentation (Don Maruska)</td><td style="text-align: right;">116</td></tr> <tr> <td>Department of Fish and Game Report (Scott Flint)</td><td style="text-align: right;">150</td></tr> <tr> <td>Rands and El Paso Report, West Mojave Court     Ruling (Al Stein)</td><td style="text-align: right;">172</td></tr> <tr> <td>Discussion Regarding Previously Tabled Motion</td><td style="text-align: right;">177</td></tr> <tr> <td>Renewable Energy Update (Greg Miller)</td><td style="text-align: right;">236</td></tr> <tr> <td>Abandoned Mine Lands Program and ARRA     (Sterling White)</td><td style="text-align: right;">246</td></tr> <tr> <td>Adjournment</td><td style="text-align: right;">281</td></tr> <tr> <td>Motions</td><td style="text-align: right;">283</td></tr> </table>		PAGE	Welcome/Pledge of Allegiance (Chair)		Introductions	4	Approval of Meeting Transcript	6	Review of Agenda	6	Council Member Reports	7	Discussion Regarding Procedure for Placing Items on Future Agendas	23	Nominations	27	Field Office Reports		Palm Springs South Coast (John Kalish)	29	Public Questions for Items not on Agenda	41	District Manager's Report (Steve Borchard)	53	Summary of Grazing Data Findings (Jack Hamby)	60	Continued District Manager's Report	68	ISDRA Subgroup Updates (Randy Banis and Richard Holliday)	108	Subgroup Handbook Presentation (Don Maruska)	116	Department of Fish and Game Report (Scott Flint)	150	Rands and El Paso Report, West Mojave Court Ruling (Al Stein)	172	Discussion Regarding Previously Tabled Motion	177	Renewable Energy Update (Greg Miller)	236	Abandoned Mine Lands Program and ARRA (Sterling White)	246	Adjournment	281	Motions	283
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<p style="text-align: center;">A-P-P-E-A-R-A-N-C-E-S</p> <p>MEMBERS PRESENT: REPRESENTING:</p> <p>TOM G. ACUNA Renewable Energy Industry</p> <p>RONALD V. JOHNSTON Public-at-Large, CDD</p> <p>BRAD MITZEFELT Elected Official</p> <p>GEARY HUND Environmental Interests, CDD</p> <p>PATRICK LLOYD GUNN Wildlife</p> <p>RANDY BANIS Public-at-Large</p> <p>MEG GROSSGLASS Public-at-Large</p> <p>DINAH O. SHUMWAY Non-Renewable Resources</p> <p>RICHARD HOLLIDAY Recreation</p> <p>APRIL SALL Public-at-Large</p> <p>ALEXANDER SCHRIENER, JR. Renewable Resources</p> <p>THOMAS HALLENBECK Transportation/Rights-of-Way</p> <p>JAMES FITZPATRICK Public-at-Large</p> <p>STAFF PRESENT:</p> <p>STEVE BORCHARD - BLM District Manager, CDD STEVE RAZO, External Affairs Officer, CDD DAVID BRIERY, External Affairs Specialist, CDD ROXIE TROST - BLM Barstow Field Office Manager RUSTY LEE - BLM Needles Field Office Manager DANIEL STEWARD - BLM El Centro Acting Field Office Manager JOHN KALISH - BLM Palm Springs Field Office manager HECTOR VILLALOBOS - BLM Ridgecrest El Centro Field Office Manager AL STEIN - CDD Resource Manager STERLING WHITE - CDD Abandoned Mines Program SCOTT FLINT - California Department of Fish and Game</p>	<p>PALM DESERT, CA SATURDAY, DECEMBER 12, 2009</p> <p style="text-align: center;">P-R-O-C-E-E-D-I-N-G-S</p> <p>ACTING CHAIR ACUNA: Good morning, everyone, and welcome to the Desert Advisory Committee Council, and we're going to start off with the pledge of allegiance very first thing. Let's see. Randy, can you lead us in the pledge of allegiance, please.</p> <p>COUNCIL MEMBER BANIS: Thank you. (Pledge of Allegiance led by Randy Banis.)</p> <p>ACTING CHAIR ACUNA: Thank you, Randy. I appreciate that. Okay, folks, we have a really busy schedule today. This thing could go all the way on until past 4:00, and so my goal here is to help us get along through the first part of the meeting.</p> <p>We'll start off with introductions. Maybe, Dick, you start there, and we'll work our way around this way.</p> <p>COUNCIL MEMBER HOLLIDAY: My name is Dick Holliday. I'm the recreation representative.</p> <p>COUNCIL MEMBER SHUMWAY: Dinah Shumway, geologist, non-renewable resources.</p> <p>COUNCIL MEMBER GROSSGLASS: Meg Grossglass from the Off-Road Business Association and public-at-large representative.</p>																																														

<p>COUNCIL MEMBER BANIS: Randy Banis, editor of deathvalley.com, and I represent the public-at-large, as well.</p> <p>COUNCIL MEMBER GUNN: Lloyd Gunn. I represent wildlife.</p> <p>COUNCIL MEMBER HUND: Geary Hund, Coachella Valley Mountains Conservancy, representing conservation.</p> <p>STATE DIRECTOR BORCHARD: Steve Borchard, Bureau of Land Management, district manager for two more weeks.</p> <p>ACTING CHAIR ACUNA: Tom Acuna, renewable energy.</p> <p>COUNCIL MEMBER JOHNSTON: Ron Johnston representing public-at-large.</p> <p>COUNCIL MEMBER SALL: April Sall, public-at-large.</p> <p>COUNCIL MEMBER SCHRIENER: Al Schriener, renewable energy.</p> <p>COUNCIL MEMBER HALLENBECK: I'm Tom Hallenbeck. I represent transportation and representing rights-of-way.</p> <p>COUNCIL MEMBER FITZPATRICK: Jim Fitzpatrick. I'm deputy director for the California Film Commission, and I represent the entertainment business at large.</p> <p>ACTING CHAIR ACUNA: Okay. So the next thing we're going to do, we're going to work on the approval of the meeting transcripts from August 28 and 29. I'm sure we've all had a chance to take a look at the transcripts, so do I have a</p>	<p>meeting room.)</p> <p>COUNCIL MEMBER FITZPATRICK: You forgot your cowboy hat.</p> <p>COUNCIL MEMBER HOLLIDAY: I wanted to -- I have one concern or one issue that I want to speak about. I've been working with the BLM on the -- hey, that works better -- the allocation of fees, or AOF, report, and I went to Washington, D.C. a couple weeks ago and met with the people in BLM there to see how some of the inconsistencies in reporting of the BLM fee dollars are in there. I passed out a document there to you, and I think I sent most of it, and most of you got it as an e-mail that explains the fee dollars and where they're coming from.</p> <p>And the BLM is reporting fee dollars as three percent of the fees collected across the country is used for collections, where in fact, they're collecting a huge amount more than that. Just Imperial Sand Dunes, we spent a million dollars collecting fees, which is in the 30- to 40-percent range. I passed out a document there to show you how much money is spent at the Imperial Sand Dunes and how much is spent at the Dumont and El Mirage for fee collection.</p> <p>And I understand now from one of my other questions that there is a group that's being formed in the desert district to address that issue. We need to get some of those fee -- the cost of fee collection down. So if anybody has any</p>
<p>motion?</p> <p>COUNCIL MEMBER BANIS: Move to accept.</p> <p>ACTING CHAIR ACUNA: Do I have a second?</p> <p>COUNCIL MEMBER GROSSGLASS: Second.</p> <p>ACTING CHAIR ACUNA: All right. All those that approve, please raise your hand.</p> <p>(Hand vote taken.)</p> <p>ACTING CHAIR ACUNA: So done. Any negative?</p> <p>COUNCIL MEMBER HALLENBECK: I wasn't here.</p> <p>ACTING CHAIR ACUNA: Okay. I want to make sure. Okay. So let's see. We've got three more items to go here in the beginning here. We're going to talk about council member reports in just one moment, and then we're going to move on to review the agenda and procedures for public comment. That will come up in just a moment. That's important to you folks in the audience there, and we'll be moving on to election of officers, chair and vice-chair.</p> <p>So let's talk about council member reports, and I think, Dick, can we start with you, please.</p> <p>COUNCIL MEMBER HOLLIDAY: Sure. I wanted to --</p> <p>ACTING CHAIR ACUNA: Just a moment, please.</p> <p>Steve, do you have a question?</p> <p>MR. RAZO: I put Brad, that he was going to be Richard Rudnick there for a second.</p> <p>(Council Member Mitzeft entered the</p>	<p>questions about that information that I passed out, I'd be glad to answer it.</p> <p>ACTING CHAIR ACUNA: Dinah.</p> <p>COUNCIL MEMBER SHUMWAY: I have no comments at this time.</p> <p>COUNCIL MEMBER GROSSGLASS: I passed out a letter that was written, and I was told -- what they said was the Renewable Energy Conservation Plan with a copy of our scoping comments, and I guess I was just -- do I really need a microphone? Really? Shocking.</p> <p>It seems to me that we're doing a whole lot of planning for renewable energy and conservation and that recreation is always left out of the planning process. We have no comprehensive plan for recreation, so every time a new wilderness bill or conservation area or something like that gets opened up, recreation is displaced, and every time a renewable energy project is put down on the ground, recreation is displaced, and we have no comprehensive plan for the future of recreation. So my scoping comments in this letter that we sent out kind of just asked the BLM to add to this new planning process a comprehensive recreation plan.</p> <p>And then one other comment I have is that I know we have a lot of scoping meetings that are going to be happening for all these renewable energy projects. And I didn't actually get to attend the public scoping meeting for the one</p>

in Palm Springs, but the last scoping meeting I went to -- I know it wasn't a BLM scoping meeting; it was military -- they had presentations around the room, and I think that does a disservice to the public because they don't sit down and tell a member of the public how to make substantive comments.

You know, we really wish the BLM or whoever is doing this -- I don't know if it's the project applicant. It could be that it's not. I'm not placing blame anywhere. I want to see a solution, someone to explain, this is the scoping process. This is what happens in the scoping process. You don't write a letter that says, "I hate this project," because that's not what the scoping process is about, kind of teach the public.

And I do think that's partially BLM's responsibility. It's partially the responsibility of the public to know that also, but I would like to see that happen at more public meetings. And I'm done talking.

COUNCIL MEMBER BANIS: Thank you. At the last DAC meeting I circulated a document to the DAC and made available to the public a brief white paper about an initiative that I am putting forward to collect OHV route information for the public and distribute that to the public through GPS route files, that GPS files could be downloaded by the public, put into their GPS units and followed on the ground for the purpose of improving public safety, for the

purpose of keeping folks on the trail and thereby improving the environmental resources, sensitive resources, and thirdly to help protect the limited OHV opportunities that still remain for the public by, again, keeping the public on the trail.

I'd like to thank the district director, Stephen Borchard, for arranging a meeting between myself and the BLM's state cartography office to discuss this initiative. And what I learned during that meeting was that, first, this is an idea that has been circulating for quite some time around the state office and that this has been on the office's radar as a possible public service for some time.

However, what I also learned is that there is changes undergoing in the manner of which route data is collected and catalogued. And in moving forward to the future, being able to have route data that is valuable not only for the purpose of facilitating the public's navigation across public lands, but this route data is also helpful in the full planning processes in terms of identifying soil concerns and other resource concerns for these routes. The ability to assign attributes to these routes according to the condition of the routes and the types of the routes will help greatly in the future planning process for the desert.

So the point is that, although there is a desire to offer this route data to the public, the data that we wish to

present is not ready for prime time and will likely not be for the immediate short term.

Nonetheless, I'd like to continue to keep my nose to the ground on this issue and continue to keep the DAC and the public informed about the prospect of what I think is an exciting use of technology that can benefit not only the users but also the managers of the lands. So thanks for this opportunity to update you on that project.

ACTING CHAIR ACUNA: Lloyd?

COUNCIL MEMBER GUNN: I just had a few words about -- the desert bighorn sheep is one of the major native animals out in the desert, and as the Desert Advisory Council discusses energy corridors and conservation corridors, I hope they will take into consideration that desert bighorn sheep have already been blocked from routes between mountain ranges by highways and roads all over the Mojave Desert. A few decades ago, in fact, they were on the endangered list. So I hope the Bureau of Land Management will study the population between the mountain ranges. And that's all I have.

COUNCIL MEMBER HUND: Beginning with renewable energy, conservation groups are evaluating each of the individual projects right now and providing comments on them, and there's definitely support in the conservation community for renewable energy goals and a recognition of the importance of moving away from fossil-fuel-dependent energy economy.

However, conservation groups are very concerned about the proper placement of renewable energy facilities if they do occur in the desert and also addressing the impacts of these projects to both natural and cultural resources and recreation.

The conservation community is working with the BLM, the California Energy Commission and other entities hoping to try to achieve those goals that provide renewable energy while at the same time protecting our desert and its resources.

The conservation community and a number of conservation groups are currently working with Senator Diane Feinstein on potential legislation that would address a number of issues in the desert, including the designation of new monuments and wilderness areas but also the proposed designation of some of the areas that are currently off-highway-vehicle recreation areas to Congressionally designate some of those, so off-road communities have been working with our office, as well.

And also an element of the legislation, perhaps part of the legislation or separate legislation, would also be focused on addressing renewable energy in the desert, again, trying to provide for renewable energy while at the same time protecting important desert resources. Thank you.

COUNCIL MEMBER MITZEFELT: Well, I pretty much just echo that regarding the renewable energy, that I think

that San Bernardino County is concerned about cumulative impacts of renewable projects as well as specific impacts of each individual project. And so we're going to be very conscientious in looking at all of them. And we recognize the potential benefits and the impacts. So it's just a question of weighing the impacts versus the public good and the -- whether the impacts could be mitigated and then, if they can't, is it worth it?

We're very open to -- we're going to be very open to this industry and encourage it. However, when we're talking about using public land, that belongs to all of us, and it's a -- there are a multitude of uses that all have to be considered. And so that's kind of the mindset that I'm going to be approaching them with. So thank you.

ACTING CHAIR ACUNA: Okay. Let's see. I just want to make note of a sad passing. We had a DAC member here by the name of Roy Denner, very active with the recreation community. Roy passed away September 23rd, just a few months ago, of pancreatic cancer. And I just want to honor Roy for what he's done for the off-road community and the contributions that he made to the DAC.

He made a number of significant changes in the industry. One of them was the San Diego Off-Road Coalition. San Diego had helped bring together a group of off-road enthusiasts with an interest of promoting their support and

working with other stakeholder groups to bring the best outcome.

And I think one of the most unique things that he did was the ORBA. That's the Off-Road Business Association. And there's nothing like this in the country, and basically he said this: He said, if you're building something, if you're manufacturing something that's recreational and it's going to be used in the desert, you, the builders, need to contribute funds to help carry out our mission, which is to protect the interests of your business and the users. That was a significant effort, and it's been very successful. And to this day ORBA is a successful organization, employing their own host of environmental people, legal counsel to carry out their mission.

So in honor of Roy, I just would like us all to recognize his contributions. That is important.

Moving on, yesterday was a great tour. I'd like to thank Bureau of Land Management for arranging this, Southern California Edison and British Petroleum -- I believe they have the windmill forum. And four things came out of that. The first thing is I think the DAC's mission has changed significantly. Before we were looking at other institutions just as important, but right now we're dealing with a nationwide energy issue, and it's going to affect millions of acres. And so the level of technical

expertise that the council will provide to the BLM has become even more important than it has been in the past.

We are slated to become NEPA experts because each of those projects come with an environmental document that is very thick, and it would take probably your whole year of evaluating all of those projects. And so I think I did an addition. Since we last met, there were 36 square miles of proposed action on BLM land, and that is through these renewable projects located throughout the 11 million acres.

So I would encourage, you know, our team here to look at those and advise the rest of us and the BLM what are the important things that we can do to help guide them in that process before they actually have a decision to approve those projects.

And then I thought the substation tour was just great. I think we all learned the dynamic balance of energy going into the grid and then managing that power to the actual users. It's a dynamic process. It's very complicated. It's not as easy just to hook up to a power line and sell your energy to the grid. There's a host of complicated formulas that have to be calculated. So that was a very useful and timely tour.

And with that, I'd like to turn it on over to Ron.

COUNCIL MEMBER JOHNSTON: I really don't have anything of an in-depth nature to comment on, other than in as

much as my background is in investment banking, I do try to stay very well read up on new technological developments occurring within the industries which could provide attractive opportunities for investors, and the solar and renewable energy resources area is one that undoubtedly is going to continue to grow.

And for those who aren't aware of it, most recently, within the last two weeks, there's been a new technology in solar film that's been developed where literally the solar film that is so flexible it's like Saran Wrap that you can wrap around things -- telephone poles. Anything you want to wrap around can produce enough voltage and wattage to power things and for renewable energy storage. And that will probably be the direction that we're going in the future rather than even the solid panels.

So expect to see presentations in the not-too-distant future with this new flexible film, which is also about one-fifth the cost to manufacture, at least projected to be in quantity, over the current affordable materials that are being used. Thanks.

COUNCIL MEMBER SALL: Thank you. I also enjoyed the tour yesterday. I think that was a very helpful use of all of our time, and renewable energy is a very important issue in the desert, and it affects not only the natural

culture resources but recreation routes, as well as our scenic view sheds.

And I do think it would be very helpful if BLM could help sponsor a workshop for people to learn how to prepare scoping comments and how the process unfolds and what the timelines and the benchmarks are, because it is a very complicated and confusing process if you're unfamiliar with it.

And those projects are moving forward very quickly, and there are a number of them throughout the desert. And I think it would be very helpful if that was articulated to desert residents, as well as how to track some of these projects on the BLM website and the different spreadsheets available and maps on the website. Many people do not have reliable high-speed internet in remote parts of the desert, and that could be challenging, as well. Thank you.

COUNCIL MEMBER SCHRIENER: I'm excited to be a new member of the DAC. My expertise is in geothermal exploration and development, and I look forward to working with the other team members on these obviously very important issues.

COUNCIL MEMBER HALLENBECK: Good morning. My first meeting. I want to thank Steve and the staff for the great orientation and the welcome that I received, and I want to thank all the members for their kindness in helping me get

up to speed on the issues that are currently in front of us. I'm excited about participating, and I hope that I can add value to this council.

One issue I've been involved in that might be of interest to the council is working with Senator Feinstein and staff on her proposed expanded protection of the desert area. It's important for the State Department of Transportation that state highways are obviously considered in those designations and allow the flexibility for us to make improvements that we can foresee in the future and provide enough setback so there's no conflicts in development of those wilderness areas. That should help us through any kind of road bumps that we might come across in the future.

So your staff has been open to our suggestions, and I'm pretty competent that it meets the needs of the state highway systems. I'm not so sure about all the other roads, though, and I think this is a good forum for us to engage the stakeholders of the county roads the other road users throughout these areas so their needs are addressed by the legislation and they're not caught unaware that roads may be closed or restricted and used by some of those new designations. Thank you.

COUNCIL MEMBER FITZPATRICK: I would just like to echo what Meg said. Regarding commercial entertainment, it's been reported to me as the renewable energy situation

broadens that certain places that have been filming locations for 65 to 70 years, such as Trona Pinnacles, Cuddeback Lake and other dry lakes, could possibly go away, because you can't do Planet of the Apes at Trona and have an array of, you know, solar panels sitting next to it.

So I'm just being blunt here, but we would like to -- at least I know there's lots of other places that the film community doesn't go. So we just want to keep that in mind. Thank you.

ACTING CHAIR ACUNA: Well, thank you all for your comments, and I just want to apologize to the new members for not introducing you and welcoming you to our DAC at the very beginning of this meeting. My apologies. By the way, it's quite an honor to be on the DAC, and I know that your expertise is examined carefully, and you were selected for that reason. And we all look forward to having you more opportunities to work with you and take your input, and it's a good thing to be here. Thank you for joining us.

Okay. So let's go on to the next item. Let's see now. Let's talk about the procedures for public comment. In the past we've had meetings where I think it's been a contentious discussion, lively discussion. Opportunities need to be given to the public, and so what we're going to try to do today is, we're going to try to be very clear on when and how to comment on the items in the agenda. So let's go

through the rules here.

And the first rule here is that we've got to use public comment cards to ensure an orderly process for individuals who wish to make public comment on agenda items. So let me stress that, agenda items.

The second thing is that the public comments are limited to three minutes per person per agenda item. The third point is that the public may bring up items not listed on the agenda at 9:00 a.m., roughly, including requests for the DAC to consider a particular item to a future agenda. So towards the end of the meeting here, if, for example, you have something that you would like to add to the next agenda at the end of this meeting, we'll talk about that as to whether we will add that to the next agenda.

The final comment here is that public comment will be allowed before the DAC takes action on an item, and so if you look at your agenda, there's some items in bold. And before we take an action to those items, you will have an opportunity to provide comment on those items before we actually have a decision.

Are there any discussion here on that?

COUNCIL MEMBER GROSSGLASS: I have one question.

ACTING CHAIR ACUNA: Sure, Meg.

COUNCIL MEMBER GROSSGLASS: I'm sure Dave answered my question. When are DAC members allowed to add



things to the agenda? Is it only at this formal meeting, or can we e-mail in between, saying, I want this on the agenda, because it's three month between meetings.

ACTING CHAIR ACUNA: I will look to our BLM counsel on that.

MR. RAZO: As you know, normally by the end of the meeting, you are discussing the agenda for the next meeting based on input from the public, as well as from yourself. It certainly doesn't mean you can't add something, you know, in between, and I think we should probably approach that the same way you have been dealing with other issues.

We can by e-mail take it out to the DAC and indicate your desire for what you would like on the agenda and give it about a 50-day suspense or ten days for you to discuss it, and then it goes to the chairman, to the district manager, and then we can decide. If it's decided that it goes on the agenda, then, you know, we'll make that public.

STATE DIRECTOR BORCHARD: I think it worked pretty good this last agenda we worked on, where we put it out, we got comments back, we revised it. The agenda definitely got better as we worked on it. You know, it got better because of DAC members' participation in the development of that agenda.

So I think that the message for BLM is to start that agenda early enough so we can have a dialogue with DAC

members, send out a draft, get an agenda that's meaningful to everyone in a timeframe that some prep work can be done to make those agenda items, the discussions, valuable.

You know, one of the axioms about having a group meeting is, the more work you put in preparing for a meeting, the better the meeting is. So accept that responsibility on BLM's time. That means we have to get that draft agenda out for the DAC members in an appropriate time to allow meaningful feedback and finalization of that agenda and allow the time for preparations so that we can make the best use of our valuable time at these meetings.

ACTING CHAIR ACUNA: So to summarize, is this correct? Let me play this back. There's two ways to add things to the agenda. One is through this meeting itself throughout the discussions we have, we can pick items to add to the next meeting. And then off-line -- that's outside of this meeting -- like what happened prior to this meeting was we had e-mails going back and forth, and we had that discussion about adding items to the agenda. Is that correct?

Okay. So two ways to do this: During this meeting and then, like I say, outside of this meeting but with enough time that we can circulate the agenda for comment. Okay. Has everybody got that?

Okay. Let's move on to the election of officers, and I'm new at this. So if I don't get the parliamentary

procedures just right, Steve, let me know. What we need here is a chair. That's what I'm doing right now. I'm only temporarily filling in.

And then we need a vice-chair to be voted in, and the question I have is, what's the term?

MR. RAZO: Chairman and vice-chairman, two years.

ACTING CHAIR ACUNA: Two years. Okay.

MR. RAZO: Well, actually one year, because we grab five new members each year. The reason I said two is because, you know, it's been taking long lately to get new members on to the board, and it actually is a two-year term. But yes, technically it's a one-year term. And probably to do this correctly, actually, Steve should probably ask for nominations. You are the acting chairman, and you don't run your own possible reelection here. But the district manager will request any nominees for chairman, and then you'll vote on that and then any nominees for vice-chair.

COUNCIL MEMBER FITZPATRICK: Point of order. I think we could get beyond "chairman" and that "chairperson" might be better.

STATE DIRECTOR BORCHARD: Okay.

COUNCIL MEMBER FITZPATRICK: Okay?

Thank you.

STATE DIRECTOR BORCHARD: At this time I would

like to solicit nominations for chairperson for -- I guess it would be calendar year 2010. Ron.

COUNCIL MEMBER JOHNSTON: For chair, I would like to nominate Tom Acuna.

COUNCIL MEMBER MITZEFELT: I'll second.

STATE DIRECTOR BORCHARD: Brad seconded.

COUNCIL MEMBER GROSSGLASS: Randy Banis for chair. Sorry. I just said it.

STATE DIRECTOR BORCHARD: Do we have a second for Randy?

COUNCIL MEMBER HOLLIDAY: Second.

STATE DIRECTOR BORCHARD: Dick Holliday. Dick Holliday seconds Meg's motion nominating Randy. Any other nominations? Okay. We have two nominations, Tom Acuna and Randy Banis. All those in favor of Tom Acuna, please raise your hand.

(Hand vote taken.)

COUNCIL MEMBER BORCHARD: I count seven. Okay. Those in favor of our chair being Randy Banis for 2010, please raise your hand.

(Hand vote taken.)

COUNCIL MEMBER BORCHARD: I counted seven for Tom and six for Randy. It's quite an even vote, but Tom, you've been elected our chair for the next year.

ACTING CHAIR ACUNA: I'm pleased. You know, I

was surprised and honored to even be acting chair, and I just wanted to share with everyone here that I'm about communication, working with the groups. That's why we're here, to work with the public, to advise the BLM, to treat people fairly and hear your ideas. And I intend to over the next two years to do my very best to bring that out and to lead good discussion amongst us all. That's my goal. So thank you very much. I'm very honored to have this.

STATE DIRECTOR BORCHARD: I hate to tell you, but in a year's time you're going to have to run for reelection.

ACTING CHAIR ACUNA: So now we move on to vice-chair. Do you handle that, too?

STATE DIRECTOR BORCHARD: I think since we had you elected as chair, I'll turn that over to you.

ACTING CHAIR ACUNA: Okay. Ron?

COUNCIL MEMBER JOHNSTON: For vice-chair I would like to nominate Randy Banis.

ACTING CHAIR ACUNA: I'd like to second that motion. Is there any other motions for vice-chair? Yes, Geary?

MR. HUND: I'd like to nominate April Sall as vice-chair.

ACTING CHAIR ACUNA: Is there a second?

COUNCIL MEMBER JOHNSTON: Second.

ACTING CHAIR ACUNA: Okay. So let's have a vote, then. Is there anyone else that would like to bring up for vice-chair? Okay. So for those who would like Randy Banis, please raise your hand.

(Hand vote taken.)

MR. HUND: April is voting for him.

ACTING CHAIR ACUNA: Okay. For April, how many do we have?

(Hand vote taken.)

ACTING CHAIR ACUNA: Okay. Looks like it was a unanimous decision. Randy, welcome aboard.

COUNCIL MEMBER BANIS: Thank you.

ACTING CHAIR ACUNA: We're going to need you. You and I need to work closely together. We're going to do a good job.

COUNCIL MEMBER BANIS: I look forward to it.

ACTING CHAIR ACUNA: Is there anything you would like to add?

COUNCIL MEMBER BANIS: No. Looking forward to the agenda moving forward.

ACTING CHAIR ACUNA: Very good. This is going to be exciting. Let's move on over to the summary of the field trip yesterday. And where do we want to start with that, Steve?

STATE DIRECTOR BORCHARD: Mr. Kalish is our

field manager from Palm Springs.

MR. KALISH: Good morning, council members. And congratulations are in order to Tom and Randy. We had a great time out at our field trip yesterday afternoon. We left our office at 1:00 and made it over to the University of California, Riverside campus, just kind of catty-corner corner to the meeting room right here, and attended the BLM California Energy Commission scoping meeting and workshop dealing with two solar energy projects that have been brought forward by Solar Millennium, as well as a third project by NextEra. Both projects are solar thermal projects.

As I said, the workshop and the scoping meeting was a combined BLM/California Energy Commission effort. It lasted all day and was organized with two different sessions, both in the morning and the afternoon, starting in the auditorium with briefings by officials from BLM and CEC on the process at hand, full descriptions as to the analysis at each of the agencies and then the overall combined analysis both agencies will go through in order to assess these solar projects.

And then after a half an hour of those briefings, then the meetings -- or the workshop split out to where the public and all of the attendees could go into a BLM scoping room, where we had displays of the three projects, as well as all of our BLM staff were well represented to be able to talk about all the various disciplines of wildlife, cultural,

watershed, NEPA, environmental coordination, planning.

The goal of this day-long meeting and workshop was to provide the public with a very comprehensive look at both the projects and the process that we will be going through for the next nearly a year in analyzing these projects, as well as to really provide the public with a very -- a well-organized opportunity to provide scoping comments or provide issues that they would like to see both the BLM and the California Energy Commission analyze as we move forward in preparing the CEC staff report and then the combined part of that report being the Federal EIS on that project.

The second stop was at the British Petroleum's Edom Hills wind farm site. Out of our 21 wind energy leases that we manage out of the Palm Springs office, we chose that particular site for a reason, and that is that it really is indicative of the transition that wind energy is going through here in the Coachella Valley, where 139 wind turbines were removed from that site -- this is about a year, year and a half ago -- and the British Petroleum replaced those 139 wind turbines with eight eight-and-a-half megawatt Clipper Liberty wind turbines, and through that recall or effort they doubled the overall production from that site from ten to 20 megawatts.

So the transition that you will be seeing here in Coachella Valley is companies going into these re-power

efforts where they take out the older, more obsolete machines and replace them with far fewer but real state-of-the-art machines that are much quieter, more environmentally friendly, so to speak, and do produce substantial amounts of -- greater amounts of electricity.

Then the third stop, we made it over to the Devers Substation run by the Southern California Edison, and through our time there -- and we really thank the Edison staff in providing a good tour of the facility and just an excellent description of what the Devers Substation does in relation to transmission of power that comes into California and then moving that power on to the load centers further to the west in a more metropolitan area.

But I think we all walked away with a good understanding of the complex nature of electrical transmission, and through a discussion of the interface between all of our existing renewable and the proposed solar projects that are proposed to come online here in Riverside County that would interface with the Devers Substation, I think we developed an understanding as to the challenges in being able to balance loads coming into the substation and getting that transmissioned out to the demand centers, given very intermittent nature of solar and also wind energy production. So very interesting and very informative.

Unfortunately the sun was setting and we were not

able to make it over to Whitewater Canyon Preserve, which was the fourth and last stop. But I would really suggest that all of you just take a trip right out to -- exit I-10 right at the Whitewater offramp. Just head north, only one way to head up into the canyon. And Wild Lands Conservancy and the Friends of the Desert Mountains have done just an absolutely phenomenal job in really restoring that whole White Water Canyon, creating an incredible preserve, as well as building interpretive and public use areas that are just absolutely phenomenal. I think they should be really commended for doing that. It's a real jewel and well worth the stop.

And then after that a few of us got to observe the local wildlife over at the Yard House in the evening, a very enjoyable time of meeting and discussing various issues with all of the members.

That concludes the summary of the tour.

ACTING CHAIR ACUNA: That's an excellent overview, John. Thank you. Are there any requests from the council here to John on this field trip report?

I have one. The transmission line feeding the new Chevron facility near Blythe, where is that? They are coming with a new transmission line, are they not -- SCE? -- and does it follow an existing route?

MR. KALISH: Well, since about 2000 we as an office have been working on transmission in the I-10 corridor,

and in a lot of respects we're a little bit ahead of the process compared to other areas that are looking at renewable energy where new transmission is going to be a big part of their projects and proposals.

But on the I-10 corridor the three lines that we've been working on have been the Desert Southwest with 500kV transmission line, the IID, Imperial Irrigation District project. That 500kV line goes from Blythe to the Devers Substation and is approved to issue to right-of-way grant. The project proponent is presently developing their construction plans that we're going over, and we anticipate construction to be done on that 500kV line shortly.

Another line was a 230kV Blythe energy transmission line that runs from Blythe right up the gas-powered power plant over to the Julian Hinds Substation right by the Julian Hinds pumping plant that the Metropolitan Water District utilizes to pump water, gain elevation for their Colorado River Aqueduct. It's between Chiriaco Summit and Desert Center. That project has been approved, and they are nearing completion of that 230kV line. In fact they're stringing the conductor as we speak.

The third line is an Edison line that's been around since the late '80s. In fact it was approved as one of two lines at the time. It's the Devers-Palo Verde 2 500kV transmission lines. Originally that line went from the

Harquahala Valley over to Arizona clear to the Devers Substation and then on into San Bernardino to the San Bernardino business substations.

Since we did both the draft and the final EIS, there's been project modifications to where now the project has been redescribed to where the Devers, the Palo Verde 2 lines would start right around Blythe at Colorado River Substation. Follow the Devers-Palo Verde to the No. 1 line that has existed for quite a few years right along I-10, enter the Devers Substation, and then from there go west of Devers over to the Valley Substation located in the Hemet-Romoland area.

This line is very important in two aspects. One is, were the solar projects to be -- some of them or all of them, to be permitted, then as one of the limiting factors for getting renewable energy to the demand areas is capacity, transmission capacity, the DPV2 line is very necessary in order to provide that path for production to the demand centers.

The second real purpose of the DPV2 line is that the section from the Devers Substation that heads west over the pass would allow for increased capacity and increased transmissions west of Devers, which has been a problem in recent years in that there's been a lot of capability for transmission to enter the Devers Substation coming in from the



east but a lesser level of capacity and capability for that transmission to head west out of Devers into the demand centers. And so the DPV2 line, then, would open that up to the second -- Devers, the Valley Substation second on that line.

ACTING CHAIR ACUNA: That was an excellent overview. I just wish I had a map to follow it. It's very complicated. But the bottom line is, the line is following the existing route?

MR. KALISH: That is correct.

ACTING CHAIR ACUNA: Okay. Good. Thank you, John.

COUNCIL MEMBER SHUMWAY: Mr. Chairman, I have one question I wanted to ask John.

ACTING CHAIR ACUNA: Yes.

COUNCIL MEMBER SHUMWAY: These are new rights-of-ways for these power corridors we're talking about?

MR. KALISH: For the Desert Southwest and for the Blythe energy transmission lines they are new rights-of-ways from the DPV --

COUNCIL MEMBER SHUMWAY: It's a combination of public lands and private lands?

MR. KALISH: That is correct.

COUNCIL MEMBER SHUMWAY: Okay. Does the BLM exact any revenue from turning over these public lands to

corridor use?

MR. KALISH: We do collect rent for all of our rights-of-ways based on fair market appraised values and rental rates that are established through our agency process, so certainly we do collect revenues.

COUNCIL MEMBER SHUMWAY: And these leases are like rents?

MR. KALISH: Yes, they are.

COUNCIL MEMBER SHUMWAY: And they're renegotiated periodically based on market value?

MR. KALISH: The typical life of a right-of-way for a transmission line is 30 years, but they are renewable, just given the nature of building transmission lines. And the overall life and use of those lines extends way beyond 30 years.

COUNCIL MEMBER SHUMWAY: So -- but the rent is negotiated annually, or just once you make an agreement, it's set for 30 years?

MR. KALISH: No. Well, the rental process really right now -- due to a change in the regulations a right-of-way holder can pay rent for the entire life of the project just in one lump sum and not have to be billed annually, so therefore that rent is just the one base rent that is paid at that time. That is an option.

But rentals do go up either annually or are

reassessed. So it's depending on the preference of the right-of-way holder whether they want to pay the entire rent for the life of the project or the 30 years. So they can opt to do that or pay just on a regular annualized basis or every five years, depending on the type of facility it is and the amount of rent that they pay.

COUNCIL MEMBER SHUMWAY: Thank you.

ACTING CHAIR ACUNA: Thank you, John, and we'll have an opportunity to visit you again when we do the actual field reports coming up on the agenda.

MR. KALISH: Yes.

ACTING CHAIR ACUNA: So should we move on to the next one?

COUNCIL MEMBER HUND: Quick comment.

ACTING CHAIR ACUNA: Yes.

COUNCIL MEMBER HUND: I just want to take this opportunity to bring up again the technical capability of GIS and PDF files now which allows you to create a map in GIS and then to convert it to a PDF file, which allows the user or anyone that has one of the latest versions of Adobe Acrobat to be able to click different layers on and off and the potential use of that technology, the way it could be put to use during this process of reviewing proposed renewable energy projects and transmission lines.

And I brought this up at the last meeting.

I just wanted to remind BLM again of that potential to utilize that technology to help with better public understanding of these projects.

And just speaking to the point that Meg and April made, it is a very complex process, and public is very important. And an impediment to public input is the complexity of the process, and using something like this could help the public better understand these projects and give informed input. Thank you.

ACTING CHAIR ACUNA: Okay. So I think that wraps this up. Is there any other comments? Okay. Thank you, John.

MR. KALISH: Thank you.

ACTING CHAIR ACUNA: All right. So now we move on to the public questions for statements not on the agenda, including requests for us, the DAC, to consider items for future agenda.

I have a question here. If a person hasn't submitted a request, Steve, at this point are they still allowed to come to the mic and ask a question?

MR. RAZO: No. You can do it now. I mean, once you close this out, you know it's closed.

ACTING CHAIR ACUNA: Okay. So they just need to announce themselves and their location from where they live and just make their statement. Okay.

<p>MR. RAZO: But those with speaker cards go first.</p> <p>ACTING CHAIR ACUNA: Let's go with speaker cards; right. Okay. The first one here is John Stewart.</p> <p>MR. STEWART: Good morning, council. John Stewart, California Association of 4-Wheel Drive Clubs. One thing we have here is, recreation and access are issues to consider. Recreation is an activity that renews your health and spirits through enjoyment and relaxation. It is about getting people out of the house. And we're hearing about renewable energy and all these other pressures there are closing areas off for recreation.</p> <p>One of the prime points to look at here is, as these areas are being closed off for recreation purposes or recreation opportunity, consider providing replacement opportunities. One prime example is, we have a place in Devil's Canyon. We have been trying to get an E.A. done on Devil's Canyon, incomplete for over two years now. And it has been that, yes, an E.A. is there and, yes, it is approved that motorized recreation could use Devil's Canyon outside the bighorn mining season, which is acceptable, and yet one of the points that BLM has neglected to consider is the fact that these are for recreational activities and not commercial activities.</p> <p>The E.A. has put some stipulations onto recreation</p>	<p>formed recreation committee members that are in the audience, either Neil or Jo Ann or one of our field managers, to respond to that question, please.</p> <p>COUNCIL MEMBER GROSSGLASS: I'm sorry about not getting you guys that question beforehand. He just reminded me of it.</p> <p>MS. SCHIFFER-BURDETT: Good morning, council members. Meg, repeat that again, your question about the money.</p> <p>COUNCIL MEMBER GROSSGLASS: Okay. So I'm told -- and it's part of why I'm working on a piece of legislation -- that if there is a commercial exclusion in a monument or a certain area, that if a non-profit goes into that area and wants to be put on an event, that as soon as money changes hands, whether that be through a professional promoter or a non-profit, that the BLM considers that a commercial event, and then for some reason for -- you know, if there's a commercial exclusion in that area, that that event could no longer happen.</p> <p>MS. SCHIFFER-BURDETT: I'd like to just address how we charge fees. And so if money is exchanged, then yes, it's considered commercial events. And then if you're a non-profit, that is not an exclusion to being considered as a commercial event.</p> <p>COUNCIL MEMBER GROSSGLASS: That was my answer.</p>
<p>that treats it as commercial events subject to the same stringent requirements for payments and having emergency people on standby as commercial events. This is not a commercial event. This is a recreation-type event, and this is something that I'd like to recommend that the council take a look at as to how they can review these permitting processes to look at and treat recreation events which are for personal enjoyment and not for competition or a stage show. Treat them so they are not penalized with severe financial penalties or arrangements necessary to go out and have their relaxing time, their fun.</p> <p>Get them outside the house, and let them have their recreation opportunity. Thank you.</p> <p>ACTING CHAIR ACUNA: Okay. Thank you, John. So Meg, you have a comment?</p> <p>COUNCIL MEMBER GROSSGLASS: I actually have a question. This comes up in the dual sport event world. Is it true that when -- anytime you exchange money on public land, that that automatically makes an event a commercial event even if it's put on by a non-profit?</p> <p>ACTING CHAIR ACUNA: Let's ask our friends from the BLM.</p> <p>COUNCIL MEMBER GROSSGLASS: I know, I didn't ask you guys this question beforehand. I'm sorry.</p> <p>STATE DIRECTOR BORCHARD: I would like my newly</p>	<p>So it's true.</p> <p>MS. SCHIFFER-BURDETT: But there's more that could be addressed at another time, and I'm willing to talk about it.</p> <p>COUNCIL MEMBER GROSSGLASS: No problem. I appreciate it. Sorry for putting you on the spot.</p> <p>ACTING CHAIR ACUNA: We don't have to make any kind of action on this right now, but at the end of the meeting let's revisit if this if we want to put it on the agenda for the next meeting. Is that okay, folks?</p> <p>Okay. So let's put it onto the next speaker. Ed Waldheim, please.</p> <p>MR. WALDHEIM: Thank you, Mr. Chairman. My name is Ed Waldheim, California Trail Users Coalition. It's always a joy coming down to this part of the country, especially the incredible welcoming I get from Riverside County, no off-road vehicles allowed. It just galls me every time I see it. Now I find out there's three of those bloody signs in this county. Brad, I'm sure glad you're San Bernardino County. This is ridiculous.</p> <p>Double standards. I would like the council to put on their agenda double standards that are taking place with recreation versus other users. Recreation is taking it in the shorts like I have never seen it before. Simply look at the map that's on the back table up there. Johnson Valley, over a</p>

quarter of the Johnson -- no, Stoddard Valley. Over a quarter of the Stoddard Valley is slated for renewable resources in an open area.

Mr. Hector Villalobos was at our steering committee meeting the other day. Dove Springs Area, Jawbone, Dove Springs Area. Friends of Jawbone have been working like crazy to take unauthorized routes out of the system by putting up posts, fences, roofing, doing everything possible to make sure the user community does not use those trails.

And they are not part of our system, yet we come right around, and we're going to give a company 40,000 acres of the areas that I cannot ride because it's in the NEMO or wild management area, but I can go and put windmills on it. It makes no sense. The double standard is driving me crazy.

Now, Senator Ashburn made it very clear, do not fight the energy companies; work with them. They do work with us. I'm very happy to say the people I have worked with -- Linda Parker -- they work with us just fine.

The underlying issue is, just as Mr. Fitzpatrick pointed out, when is enough enough? If I can't do any movies anymore in these areas -- and someone from Ridgecrest will call you on that -- thank you for bringing that up. We listened to Doug on that -- what am I going to do? What's Shari Davis going to do with Johnson Valley when she has

\$10 million worth of movies in that area once we can't do movies anymore?

Is my ability to view the California beautiful desert on my motorcycle any less than Geary's, Mr. Hund's, walking or looking at the area? When is this going to stop, or how are we going to manage it? I think the Desert Advisory Council has to really seriously look at that. How can we mesh the two uses?

The public's recreation and access is very important to us, and I feel -- it's never hit me as hard as when we were at the meeting -- that you cannot help but put 170 windmills on 40,000 acres of area you deny me from riding on as an illegal trail, which I'm losing like crazy. How do I tell my constituents, "You can't ride there; you'll get fined"? But I'll go and put these windmills.

Do you guys understand what I'm after? It's getting out of control. I really need you to do something on that. That's number one.

Number two, on the agenda we need to put down the OHV division. The Off-Highway Vehicle Motor Vehicle Commission is the --

THE REPORTER: Excuse me. You have to slow down.

MR. WALDHEIM: Sorry about that. Put down the Off-Highway Vehicle Motor Vehicle Recreation Commission,

OHMVR, because they are a big partner in what happens in the California desert. They have spent millions and millions of dollars on funds in the California desert that -- they are not here to talk to them, and we don't have interaction. So we need to get some interaction on a regular basis on an agenda basis because there's some serious implications to what's taking place here.

The last thing I would like to ask the DAC -- the number three thing is, ask the field managers to give you a budget, a budget of what does it cost you to run your off-highway vehicle program in your field offices? Now, it's very easy for them to pick up the Waldheim budget from 1984 -- 2004-2005. I have prepared it for everybody as a commission for the State of California. So they can start from that, but you need to know what is my program costing me and then how am I using it. Thank you.

ACTING CHAIR ACUNA: Okay. So you brought up three points. He's saying there's a double standard closing off areas, yet those areas are being used for energy. The other one was the OHV Commission, and your point was that it should be on the agenda?

MR. WALDHEIM: That is correct.

ACTING CHAIR ACUNA: And then the third one is you would like the budget to be discussed at the DAC meeting on how recreation fees are being utilized?

MR. WALDHEIM: No, sir. Mr. Chairman, this is where we're getting it all wrong. We are managing our public lands based on the fees I'm collecting or based on what appropriated dollars are being given to me. You got it backwards. Figure out what your budget is to run the off-highway vehicle program, period. What is it what I need to run my program?

Then you figure out, I get appropriated dollars. I get fee dollars. Oh, I still don't have enough. I'll go to commission and ask for extra money. We're doing it backwards. We're spending the money as we get it. You follow me what I'm saying? Manage your program. What is your program costing you? Then you can make that, do I want that in my program, or do I not want that program? Do I taper it down? We are not doing that.

ACTING CHAIR ACUNA: Okay. You're looking for fiscal management. I'd like to move it over to Dick. Do you have a comment?

COUNCIL MEMBER HOLLIDAY: Yeah. I'd like to echo the problem we have with the recreation. As Meg has said, we have a request here to add recreation into one of these plans that they're working on.

One of the issues that -- if you look at the BLM, there's both demands for land -- if you look at the Bureau of Land Management budget for 2010, they have \$49 million

allocated to recreation for the whole country. They have \$69 million allocated to take care of wild horses and burros. So obviously you can see that from the BLM standpoint, wild horses and burros are much more important than people's recreation. And that's just totally not correct. We need to look at that from at least whatever area we can look at as this group so see that recreation in the desert is preserved.

ACTING CHAIR ACUNA: Thank you. Dinah.

COUNCIL MEMBER SHUMWAY: A comment, too. As I've said before at previous meetings, Geary and I probably will not agree on very many things ever, but one thing we do agree on is -- and this echoes Ed's comments about on-road not -- I don't mean the areas that are just totally obliterated by off-road vehicles, but I mean trail riding. Trail riding can be conducted in total environmental sensitivity.

These projects that take away public lands that are used by -- that are owned by the public and managed by the BLM, these projects totally obliterate habitat. I mean in every way you can imagine, profoundly: Visual, habitat, critters, plants, whatever it is. This is a total obliteration of habitat which recreational users do not incur.

So I would like to make that comment.

That's why, if you truly care about the habitat, well, then trail riding is one good way that the public can participate in desert use.

ACTING CHAIR ACUNA: Are there any other comments? Okay. This is a sensitive topic. As the members know, the DAC has certain parliamentary procedures from the BLM directives, your FACA. And under that there's certain things that we are to address and advise on and other things that we are not part of. Those are the rules.

So this is an item that we probably should discuss at the end of this meeting because this has a financial connection, and whether we can put it on the next agenda or not, why don't we save that discussion for the end of the meeting. Yes, Dick.

COUNCIL MEMBER HOLLIDAY: I'd like to address what you just said there, Tom, and I'm going to take exception with that, and I'm going to take exception with that from the standpoint that this body and our subgroups are the conduit from the people that use an area to the managers of the area, which is the BLM. We need to have that conduit to get these peoples' input to this group and to the BLM.

If we're going to be constrained by things that -- you know, I'm not going to tell the BLM, you need to spend five dollars here and ten dollars here. But I need to tell the BLM, I don't think you're spending enough money here, or you're not giving enough emphasis to this particular area, and you need to give more emphasis to this area and maybe less to that. I believe that that is a reasonable approach for us to

use in this organization, this group.

That's just my opinion. That's why I disagree with you on what you're saying there.

ACTING CHAIR ACUNA: Okay. Well, my apologies if you feel that it was contrary to what you're thinking. All I'm suggesting here is that we table the topic to the end of the meeting, we offer the BLM an opportunity to provide us some guidance on what the rules are for the DAC and then we discuss it as a team here and then decide what our next move is.

Yes, Randy?

COUNCIL MEMBER BANIS: There's a subgroup handbook discussion slated for 10:45 that involves Mr. Maruska. Maybe we'll have a few minutes to slip this question in here, too.

ACTING CHAIR ACUNA: That's an excellent point. Thank you, Randy. Now we're going to turn this over. We're closing public right now, and we're going to move on to Steve and the summary at the state and federal level.

COUNCIL MEMBER HALLENBECK:

Mr. Chairman, were there other comments?

ACTING CHAIR ACUNA: No. That was it.

COUNCIL MEMBER HALLENBECK: Okay.

STATE DIRECTOR BORCHARD: Does our agenda have the state director's report on it next?

MR. BRIERY: No. Copies of the state director's report are on the back table.

STATE DIRECTOR BORCHARD: Okay. Rather than having a verbal presentation, we provided you a written presentation of the state director's comments. I'll move on to my district manager's report.

Congratulations, Tom and Randy, on your election as chair and vice-chair. I look forward to your wise leadership of the advisory council. People out there in the audience are looking forward to that.

ACTING CHAIR ACUNA: You only get three minutes.

STATE DIRECTOR BORCHARD: So I could be talking for a while now. And I'd like to congratulate the new members on their appointments and welcome them to the council. This is your first meeting of your three-year appointment. However, this is year one, so this is the last meeting of your first year due to our charter and how we operate and how you are available and participate and be nominate and be accepted for a second three-year term, as Tom Acuna has just been. This is his fourth year here.

ACTING CHAIR ACUNA: Right.

STATE DIRECTOR BORCHARD: So April, Alex and Tom, welcome, and Tom Acuna, welcome back.

ACTING CHAIR ACUNA: Thank you.

STATE DIRECTOR BORCHARD: And Brad, we're

certainly happy to have a member of local government serving on our council, and that serves the organization very well. Thank you. It's great to have a local government representative here of your stature taking time out of your busy schedule to participate and provide your insight.

All the council members have a great responsibility. You serve on what is the first Congressionally created multiple use advisory board in the Bureau of Land Management. At its inception in 1976 the board was charged with advising the secretary and the BLM on the preparation of a comprehensive long-range plan for the area, the California Desert Conservation Area, which they honorably did with a publication of the CDCA Plan in 1980. Today your task from the Secretary of the Interior's charter is to advise the secretary on the implementation of this important plan.

Your duties are important ones and tied to the legislative authorization from Congress to in an advisory capacity develop recommendations for the district manager concerning the use, classification, retention, disposal or other aspects of public land planning and management in the public interest, including recommendations regarding implementation of the long-range plan for the California Desert Conservation Area. And I believe all the discussion we've heard this morning fits well within those parameters.

Your appointments come directly from the Secretary

of the Interior, and they're actually approved by the White House, and the criteria set out by the Code of Federal Regulations are impressive.

And here I'm quoting CFR 1784.2-1(b): "Individuals shall qualify to serve on an advisory committee because their education, training or experience enables them to give informed and objective advice regarding industry, discipline or interests specified in the committee's charter, that they have demonstrated experience or knowledge of the geographical area under the purview of the advisory committee and that they have demonstrated a commitment to collaborate in seeking solutions to resource management issues."

Therefore while you should definitely represent your interest in your constituency, you truly have a broader responsibility to collaborate in seeking solutions to resource management issues, tough issues facing the California desert so that you can advise the BLM on the implementation of the CDCA Plan. It's a big responsibility, and I would like to thank each and every one of you for taking it on.

I'd like to tell you a little bit how we are implementing suggestions we received at the last advisory council meeting. I think Dick mentioned that he's learned that we formed a new recreation fee advisory group, BLM group, a group of BLM experts to specifically address this issue and advise the district manager on the specifics of the issues and

alternatives that we have to consider in the way we deliver recreation experiences and services in those fee areas and comply with the regulations that govern how we manage the fee areas.

We have two of the members of that newly formed group in our audience, Jo Ann Schiffer-Burdett, who addressed the group earlier, as well as Neil Hamada from the El Centro field office. In addition to Jo Ann and Neil, Mike Ahrens in our Needles field office, formerly in our Barstow office, formerly a DAC member, has joined this group, as well as Mike Ayers, the state recreation lead. Did I leave anybody off, Jo Ann? I guess Anthony Bobo will be involved in this from our Washington office?

MS. SCHIFFER-BURDETT: We have from the Ridgecrest field office Craig Beck, Dallas Meeks, also from El Centro, Dan Westermeyer, Palm Springs and then Barstow we have representation.

STATE DIRECTOR BORCHARD: I left a lot of people off. Dan Westermeyer.

MS. SCHIFFER-BURDETT: Larry Blaine.

STATE DIRECTOR BORCHARD: Larry Blaine?

MS. SCHIFFER-BURDETT: Yes.

STATE DIRECTOR BORCHARD: Okay. Larry Blaine from Barstow. I think many of you from the recreation are familiar with these individuals, have worked with them for a

number of years, and part of letting you know this work, I would like you to feel free to contact any of these members at any time as well as contacting me at any time with issues that you would specifically like us to look at.

Now, in the category of old business I'd like to respond to some of the requests made at the last DAC meeting in August.

First Dick asked if we couldn't put together maps and show an overlay of renewable applications to recreation areas. Those maps are available on the back table. Again Ed mentioned their availability. We found three areas where we have renewable energy area applications that intersect off highway vehicle open areas, and they're depicted on those maps.

The first map shows the Johnson Valley area south and southwest of Barstow. One of the projects within the Johnson Valley area is Florida Power and Light, West Fry wind energy application. That application is on hold because the Marines, of course, have submitted an application for segregation of that area as they consider plans and alternatives for expanding 29 Palms.

During the time period that that land is segregated, it is actually withdrawn from consideration for BLM issuing a right-of-way such as Florida Power and Light is requesting. Florida Power and Light has collected



meteorological data there, and their application that is on hold is actually for a wind farm development. So once again it's on hold pending resolution in the Marines analysis and consideration of that area for expanding 29 Palms.

Also on that map is depicted the Horizon Wind application that overlaps the Stoddard Valley OHV area. That application is for the placement of anemometers to collect meteorological data and testing only. Their application proposes to put two meteorological towers within the off-highway vehicle area, and BLM is processing that application and would most likely conduct NEPA analysis through a categorical exclusion and very well may issue a right-of-way for placement of those two meteorological towers so that that company can select data for a three-year period in order to further consider whether they wish to pursue and apply for a right-of-way grant from BLM to actually install wind turbines at some point in the future.

The second map that's available is west of El Centro. It shows the Plaster City OHV area, and there's one wind application for the placement of anemometers on the meteorological towers. None of those met tower locations that that company has proposed are within the OHV area. And that company is known as -- has changed their name. Now they're known as Ocotillo Renewables.

COUNCIL MEMBER GROSSGLASS: This is a wind

project that you're saying?

STATE DIRECTOR BORCHARD: Yes. On another matter from the last meeting Mr. Waldheimer reminded us of the important contributions the volunteers make to the California Desert Conservation Area in assisting BLM in its role of managing these lands. Today each field office has either placed volunteer information in their respective field reports -- they're on the back table and also available online -- or he or she will be summarizing the volunteer contributions in their report that will follow this report. And that will be a regular recurring item in the field manager's reports.

In response to Richard Rudnick's question about the history of grazing in CDD, we prepared a graph and a short presentation, and that information goes back to 1988. And Jack Hamby, who is our associate district manager and who will immediately be replacing me as acting district manager, is going to summarize the findings of our analysis of the history of the grazing data that we have available. Jack?

ASSOCIATE DISTRICT MANAGER HAMBY: Right now?

STATE DIRECTOR BORCHARD: Yes, right now, buddy.

ASSOCIATE DISTRICT MANAGER HAMBY: Jack Hamby, associate district manager. There you are.

I'll give you my card in a moment. All right. I notice everybody snatched up the copies of the beautiful table with all the lovely colors on it.

What I try to do -- and I have the actual raw data.

One of the DAC members -- I don't remember who it was -- sent me a nice e-mail that said we'd like to see the data. I have the hard data here to hand out. I'll stick it on the back table if anybody wants to look at the data compared to the graph.

Checked into the information that was available. Steve and I both worked on the Washington staff that oversees and manages the livestock program, the grazing program from the bureau. So called a couple of friends back there and asked them about this graph compared to the national data. And what you're seeing here is basically indicative of what's going on across the west. Livestock grazing on BLM lands is in a downhill decline. It's just the way it is.

Here on this graph I think it's a little more pronounced than the national data, so we started digging into reasons why and comparing it with Washington's data. The cost of doing business on public lands -- this is feedback from the National Cattlemen's Association, the National --

STATE DIRECTOR BORCHARD: Beef Cattle Association.

ASSOCIATE DISTRICT MANAGER HAMBY: -- Beef Cattle Association and the sheep industry, American Sheep Association. The cost of doing business on public lands is increasing. I mean on public lands, there's a lot of

requirements. It's not necessarily the AUM fee that's the expensive part.

It's the maintenance of the water holes, and it's the fences, the maintenance of the BLM personnel who are out inspecting these areas.

Most operations are not large enough to make a substantial living. If I remember back to college, it is said that the minimum amount of livestock you needed to make a good operation was about 500 animals. Most of our permittees are significantly less than that.

The big one lately has been litigation costs. The bureau is spending millions of dollars on litigation. So are each individual permittee, so that's hurting them also.

In the CDCA plan WEMO, NEMO, and I don't know about NECO. I didn't renew NECO yet. But it looked at reducing grazing overall due to species concerns. So as part of the plan BLM has been implementing that through more of a willing type operation as opposed to bringing out the big hammer and starting to hammer people out of business. We really don't enjoy doing that.

And the last item I found was that special interest groups are purchasing ranches that have permits and leases attached to them and formally petitioning the BLM to retire them. One of the Needles reports that you'll see that's laying around here says that there are five of those within

the Needles field office that are scheduled for relinquishment, so that's another reason why you will see the graph will now downward decrease between now and the next time we put that graph together.

I want to explain one thing on the graph. These are actually billed AUM's. That is not what exists out there. It's not permitted, what's on a permit. This is actually what was billed and paid for. Questions?

COUNCIL MEMBER HUND: First of all the graph is very helpful, and thanks for doing all this in order to provide us with information. I just wondered about the graph on the far left-hand side.

In 1988 it basically starts at zero and then shoots way up, and so --

ASSOCIATE DISTRICT MANAGER HAMBY: I'm glad you asked that.

COUNCIL MEMBER HUND: I'm assuming it doesn't really look like that.

ASSOCIATE DISTRICT MANAGER HAMBY: Let's see. Down here at the bottom it says, "Billing years data collected by RAS." That's our rangeland billing system database. That's when we started the database. We have moose data that goes all the way back to the inception of BLM in the forties but even before that. But this is when this data collection in this particular database system was initiated, so being a

zero, it's a starting point.

COUNCIL MEMBER HUND: Yeah. So for example the Needles field office might have been somewhere near 45,000 historically prior to 1988?

ASSOCIATE DISTRICT MANAGER HAMBY: I just happen to have that answer right here.

COUNCIL MEMBER HUND: Okay. Great.

ASSOCIATE DISTRICT MANAGER HAMBY: I'll put the rest of these in the back. So yeah. You can see when the -- you know, but again '88 is when we launched the database and started populating it. The RAS system coordinates with our CBS system, which coordinates with our big B.S. system, which bills the people. Excuse me -- FBMS.

COUNCIL MEMBER HUND: Thank you.

ASSOCIATE DISTRICT MANAGER HAMBY: More questions?

ACTING CHAIR ACUNA: Yeah. You mentioned the legal fees being an expense to proponents. What would that be? Why are they facing legal challenges as far as cattle raising? Did I misunderstand something?

ASSOCIATE DISTRICT MANAGER HAMBY: Oh, yes, we have several special interest groups who are very active in litigation. Every time the BLM puts out an E.A. or a grazing authorization associated with a document that can be appealed, many of these groups are appealing and they're tying us up in

litigation. And, you know, the permittees tend to try to define themselves in court. I don't know if there's any lawyers in the room, and I apologize, but lawyers are expensive.

ACTING CHAIR ACUNA: So it's not just the BLM legal counsel; it's the individual applicants' legal counsel, too?

ASSOCIATE DISTRICT MANAGER HAMBY: Oh, yes.

ACTING CHAIR ACUNA: Okay. Thank you. Yes, John?

COUNCIL MEMBER HALLENBECK: A graph like this would be more dramatic if you included a cumulative total.

ASSOCIATE DISTRICT MANAGER HAMBY: I just happen to have the answer to your question right here, and I'll put the rest of these on the back.

COUNCIL MEMBER HALLENBECK: Quite impressive. From your presentation I don't hear that there's been any significant policy change in the way that BLM administers these. For example around 1996 or seven, it seems like there's been a drop across the board that doesn't correspond with any kind of policy change.

ASSOCIATE DISTRICT MANAGER HAMBY: I believe -- I'd been with the district about a year and a half. I believe the CDCA Plan -- what year was that? '94?

ACTING CHAIR ACUNA: 1980.

ASSOCIATE DISTRICT MANAGER HAMBY: The original, the most recent plan, the one we're being litigated on right now. AI?

MR. STEIN: There were two of them that were in December of 2002, and then the West Mojave Plan was in March of 2006.

ASSOCIATE DISTRICT MANAGER HAMBY: So these plans have been the result of legal actions.

STATE DIRECTOR BORCHARD: Also some sharp increases and decreases on that graph. You see a spike on 2005. It was a banner year for rainfall or also a banner year for ephemeral forage. So that peak consumption, I believe, at Ridgecrest that shows up on there, that is a lot of forage out there created by the rainfall on the beautiful flowers that allowed BLM to increase consumption of a portion of that forage and allocate it for livestock use.

ASSOCIATE DISTRICT MANAGER HAMBY: Thank you. Under the Clinton administration had a new set of Federal regulations, 4100, that reinterpreted for BLM use. I personally don't see -- I mean we worked on a lot of this, and I personally don't see where that has had a direct impact on these numbers. It could. I just don't feel it. Yes?

COUNCIL MEMBER BANIS: May I also clarify, the spikes in the Ridgecrest grazing perhaps is also affected by a predominance, if that's the right word, of sheep grazing in

that district as opposed to cattle grazing. And the sheep grazing is very greatly tied to surveys of vegetation and what will be allowed to be grazed that year given the rain and the resulting production of food.

ASSOCIATE DISTRICT MANAGER HAMBY: Oh, exactly. That was the 2005 spike.

COUNCIL MEMBER BANIS: And sheep. This isn't all cattle. There's a lot of sheep involved in some of these areas.

ASSOCIATE DISTRICT MANAGER HAMBY: Right. If I look at the numbers right, there's also two domestic horses authorized also, which only account for six animal unit months per year. It's the way we measure forage. Other questions?

COUNCIL MEMBER FITZPATRICK: I don't have your name or your card.

ASSOCIATE DISTRICT MANAGER HAMBY: Oh, here we go. I happen to have a card right here. I try to keep it that way. It keeps down the phone calls.

STATE DIRECTOR BORCHARD: Jack's anonymity is going to go away. He'll be sitting in this chair at the next meeting.

ASSOCIATE DISTRICT MANAGER HAMBY: And I look forward to it. Other questions? I will be here all day. Thank you.

STATE DIRECTOR BORCHARD: Thank you, Jack. One of the other follow-up items from the last meeting was, it was requested that we look into providing an outreach presentation approximately coinciding with a release of the solar program EIS.

It would summarize the impacts covered in what promises to be a very lengthy programmatic EIS and make it a little more user friendly by summarizing

the -- I spoke with our coordinator in the Washington office who is coordinating the development of that analysis, and she assured me that contractor was already on the hook. Argonne National Lab is already on the hook for developing outreach materials and assured me a PowerPoint presentation would be available.

And so I think as we look for our schedule for our next meeting, we need probably coordinate carefully with the folks in Washington, the timeline for the EIS release and line up a future DAC meeting with that release and probably spend a considerable time on the agenda with that topic. And so I think we'll be able to accommodate that request for outreach and healthy discussion of the impacts at that time.

I think Mr. Waldheim also asked that I get together with Daphne Greene and talk about the potential use of interest that has accumulated on an account of a grant to acquire private in holdings in the El Mirage recreation area.

Unfortunately Daphne and I have been playing telephone tag most recently as yesterday morning and we have not actually spoken. Maybe Ed can --

MR. WALDHEIM: Ed Waldheim, Friends of El Mirage. Mr. Chairman, this has been resolved. She has sent a letter to the County authorizing the continued acquisition of property, so we're back in business again for the interest portion of the money that the County has. So we're back in business.

STATE DIRECTOR BORCHARD: Great. That's good news. Thank you for sharing it, Ed.

You'll recall at the last meeting Lynette Elsner presented the proposed supplementary recreation rules for the California district based on comments from the public, and advisory council members revised the proposed rules, and you have a copy of them today. We did adopt all of the recommendations from the DAC as we adjusted the definition of the rules.

I don't want to restrict -- I believe it was Dave who said he'd like to ride on the hood of the truck while his wife drives naked with a bottle of wine in her hand. I didn't want to step on that privilege out there in the greater part of the California desert. However within managed areas some of those items will be responded to.

COUNCIL MEMBER BANIS: I look forward to telling Dave that. He'll be quite pleased.

STATE DIRECTOR BORCHARD: On the proposed rules you'll find a summary of the approval process we will go about, including public comment.

If all goes well, the rules should be final by the spring. And I say, if all goes well. We have to run these through the Washington office, and I recently learned this week at state management team, that they are looking at a special rules package and putting their signature on them. So in that timeline estimate I've allowed 60 days for that process through Washington with my fingers crossed.

So our goal is to get them approved in the spring, begin educating the public through brochures and web postings and personal contacts, and we would started enforcing them next fall for recreation fees.

I'd like to close my remarks with a personal perspective. There's always a temptation for any of us to use our positions as a soapbox for advocating personal points of view. It would be easy for council members to use their seats to advocate for specific resource or interest viewpoints. But to date members of this council have avoided that pitfall, and I hope that they will continue to do so.

At BLM by definition we are multiple-use managers. We hear many different viewpoints every day from one end of the spectrum to the other. That's helpful information, and we

use it, and we think about it and consider it. But what makes this council so invaluable and why it's been invaluable to the BLM and the California desert for 33 years, is that it provides not just disparate viewpoints but advice from a truly collaborative council.

By seeking solutions to resource management issues, the council rises above heavy debate putting BLM on the spot promoting only a single viewpoint.

The council, after all, is made up of professionals who have particular expertise and care about the California desert. That's why you were selected. I believe you helped help the BLM focus on the timely important issues of the day and focus their limited resources on a finite number of issues.

I am still impressed, after being your designated federal officer for four years, with the dedication to public service that each of you demonstrate on this council. We certainly make getting appointed difficult. Some of you know who are sitting at the table for the first time here in the twelfth month of the first year of your three-year term.

And we take up your valuable time at meetings and in between meetings. But you still care to serve, you still volunteer your time, and you provide a very valuable service to the public. I thank each of you for your service and urge you to always look at the big picture in your responsibility to collaborate and seek solutions to tough issues.

Congress singled out the California desert for special management in 1976 and gave BLM an almost impossible task, to balance all the competing uses and resource values and somehow provide for the protection of the public lands within a framework of a program of multiple use and sustained yield and the maintenance of environmental quality. It's a tough job, and your participation and help in that endeavor is invaluable.

We're truly thankful that you have chosen to share this challenge with us, and you're all advisors to the BLM in your role to the BLM and the secretary. It has been my honor to serve as your designated federal officer, and I know that this council will continue to live up to this tremendous responsibility that we all share. Thank you.

(Applause from the audience.)

ACTING CHAIR ACUNA: Well, Steve, you're going to be missed. I just want to thank you on behalf of the DAC that we really have enjoined working with you not only just as a professional but as a friend. And you really have brought out the very best in us in collaborating good, open discussion. We may not always agree on things, but I think having good discussion and still being able to continue to talk is always important.

STATE DIRECTOR BORCHARD: Yes, it is.

ACTING CHAIR ACUNA: It is, and you've done a

wonderful job at explaining our mission, explaining and providing answers like you just did a few minutes ago to our last meeting, where you identified three things DAC needed. And you came through and answered the questions for us, and that's a significant effort on your part.

And you're managing a large organization.

We understand that. And you you've always taken the time to honor us with consistent follow through, and that I do appreciate. So you'll be missed.

And Jack -- I know I'm looking forward -- I think we're all looking forward to working with Jack. It's going to be fun, Jack.

ASSOCIATE DISTRICT MANAGER HAMBY: Yeah.

ACTING CHAIR ACUNA: We're going to get better at it. We will get some ideas of what we can do better to match what you've done.

STATE DIRECTOR BORCHARD: In three minutes.

ACTING CHAIR ACUNA: In three minutes. Randy?

COUNCIL MEMBER BANIS: I'd be grateful if I could simply introduce a motion expressing our gratitude and thanks, as well as expressing our best wishes to Steve in the next phase of his life. And I'd like to offer that motion, please.

COUNCIL MEMBER HUND: I'll second it.

ACTING CHAIR ACUNA: All those for that motion?

(Voice vote was taken.)

STATE DIRECTOR BORCHARD: Thank you.

ACTING CHAIR ACUNA: Any other comments for Steve? Dick, please?

COUNCIL MEMBER HOLLIDAY: Yeah. I have comments on his -- can I comment on his report?

ACTING CHAIR ACUNA: Sure. I don't know if we're getting to that point.

COUNCIL MEMBER GROSSGLASS: I want to thank you for always having an open door and always listening to us and coming up with reasonable solutions, and I'm going to miss you, but I'm also going to miss Donny and Honey. Dick's laughing at me now.

COUNCIL MEMBER HOLLIDAY: I would like to thank Steve for working on this supplemental rule. I know we've been working on it a long time. I'd like to pass around something for everybody to see. This is -- one of my big bitches about this whole thing is burning pallets and why we haven't had consistent rules across the California desert. At the Glamis Sand Dunes, we can burn pallets. This box will give us an idea of exactly what this is. This is one fire from one group that burned a bunch of pallets. Last time I was at the dunes my wife and I picked this up. This is what we are looking at here so people don't have to go through this picking up this kind of crap. That's one issue.

The second issue. My statement is, Steve, thank you for these diagrams. Now it's going to generate another question. Obviously here in the Stoddard Valley area we see an overlap of wind or renewable resources applications and --

COUNCIL MEMBER GROSSGLASS: Apparently the mic is not on.

COUNCIL MEMBER BANIS: It was.

COUNCIL MEMBER HOLLIDAY: We see an overlap here. What I'd like to know is if we could ever find out what would be the criteria for when this application goes on what is the balance that we put in between taking this off road or this open area away versus allowing this commercial development in this area? Obviously we have a huge area here that is not an open area, but we have a small area that is an open area, and now we have an overlap here.

Obviously in the decision process as to whether we're going to allow this wind generator if he elects to -- there's an application. I know right now these are just test facilities. What is the criteria that will determine that, yes, we will now sacrifice this open area for this commercial area?

STATE DIRECTOR BORCHARD: I guess before I answer your question about criteria, I'd like to maybe give an overview of the planning process that BLM would go through as they engage the public and move through the process of

considering this application.

I will remind you that this is an application. This depicts an application that a company has brought into BLM that proposes, in this case, in Stoddard Valley to put up a few anemometers to collect data, and then after that they would consider, after they collect that data, whether it would be economical for them to propose putting wind turbines in this area. And that would be a separate application that we would potentially see at some point in the future.

When BLM receives that application, they would then initiate a planning process which would involve the public at every step of the planning phase, starting out with a scoping meeting somewhat akin to the one we visited yesterday, where a lot of information and details about current uses and resource values in the area were shared with the public and public comments were invited.

Then the next phase would be a preparation of documents that analyze the potential conflicts in this case with an existing and important land use, as well as biological and cultural resources that might be affected on a development like this. And that document would likely include alternative development scenarios.

Alternative development scenarios would be designed to minimize the impacts to existing uses, biological cultural

historical resources that exist out there. The public would be again invited to study those draft documents and analyses and provide comments. The BLM will carefully consider those public comments and issues raised during this kind of second phase of public involvement.

The next step would be to prepare a final environmental document documenting how they considered and how they would address the issues brought up both at scoping and during the phase of the public comment period as people look at the draft document.

And then they would issue a proposed decision whether to allow or not issue a right-of-way for such a proposal, and the public again has the ability to appeal to the Interior Board of Land Appeals that decision -- is it protest or appeal? Appeal. Okay -- to the Interior Board of Land Appeals if they're not satisfied with the rationale or the decision issued by BLM, and the agency would carefully consider that appeal and issue their final decision.

I guess I would remind everyone that the wind farm we visited yesterday, the B.P. Wind Farm, where 130 some-odd-old technology turbines were removed and eight new technology two-and-a-half-megawatt turbines were put up, and how much space there was in between those.

You know, there is the possibility -- and I think it's a very real possibility -- that OHV use and the modern

technology with wide spacing, very infrequent towers, could be laid out so that they were compatible uses so that this area -- you know, rather large area within Stoddard Valley would be nothing lost to OHV use in the event that BLM authorized placement of wind turbines in that area. That would be, you know, I think, a win-win situation where renewable energy was allowed and could coexist and OHV use could continue.

Now, you asked me about the criteria. I think criteria would be developed during both internal scoping of the project and in consideration of public input that is brought to BLM's attention during the scoping meeting. I can't tell you what the scoping is right now, other than, you know, knowing how important recreation is in the California Desert Conservation Area, that motorized recreation is specifically spelled out in Federal Land and Planning -- Planning Management Act with the creation of the California Desert Conservation Area and has been recognized in all our planning efforts since, that BLM would work with the proponent to develop a project design that would allow continued OHV recreation, as well as consideration of renewable energy development supporting the national interest of energy independence and national security.

COUNCIL MEMBER HOLLIDAY: Thank you.

STATE DIRECTOR BORCHARD: Sorry for being longwinded. I guess when I'm sitting out there, I guess I'm



going to have to learn to do this in three minutes.

COUNCIL MEMBER SHUMWAY: Mr. Chairman, I have a comment, as well.

ACTING CHAIR ACUNA: Yes, Dinah.

COUNCIL MEMBER SHUMWAY: First, Dick, I think that the BLM should consider a recycling program at Glamis. I think the Chinese are still importing scrap metal. There might be a revenue source here.

But to follow up, revenue. I think the No. 5 on your supplementary recreation rules conflicts with the staking and maintaining of mining claims in the BLM areas since you have to put a stake, which is not flexible, so I think that if you're going to be -- I know. These are already adopted?

STATE DIRECTOR BORCHARD: No, they aren't adopted. All we've done so far is published the environmental assessment that analyzes the impact.

COUNCIL MEMBER SHUMWAY: I think it's important to make certain exceptions. The BLM gets considerable revenue from claims, and I think that you should be specific about what kinds of non-flexible objects would be allowed, you know, like windmills.

STATE DIRECTOR BORCHARD: We learned yesterday that they're flexible, that the blades flex enough and hit the column or support.

COUNCIL MEMBER SHUMWAY: Spending my life in

this business, especially -- we maintain claims for a lot of clients over the years, and there are a lot of off-road vehicle people who come out to the desert who pull up our claim stakes every time to use as firewood. So I think there needs to be an exception for claims specifically in the rules.

STATE DIRECTOR BORCHARD: Thank you for that input. We will consider it.

COUNCIL MEMBER SHUMWAY: Thank you. Randy?

COUNCIL MEMBER BANIS: Thank you. I'd just like to say, number one, I notice in the field reports that they add -- the field managers added mention of the volunteer activities in the field office. And I was saving my thanks for them until you spoiled the party and said that and it became a cheering issue. So sorry, field managers. My thanks goes to the director for --

STATE DIRECTOR BORCHARD: You can thank him.

COUNCIL MEMBER BANIS: It was nice of you to put that in. I appreciate it. It was a good addition to the report.

Two, are you experiencing any trouble with getting -- with jump starting the next nomination process for the DAC?

STATE DIRECTOR BORCHARD: Funny you should mention that. Yes, we are. We submitted our request to seek nominations, I believe, in September.

I think about two weeks ago we received feedback. I recall

two weeks ago -- it was late November -- that the dates we had put in our request needed to be revised. That's the feedback we got from our Washington office, liaison's office to the White House, that we needed to revise our package we submitted in September that they commented back on two and a half months later and revise our dates. So we will be revising those dates and resubmitting the request to go out with nominations to our new administration.

ACTING CHAIR ACUNA: So the result of that, then, is we have several members with expiring terms at the end of this year. So those folks would continue until the new appointees join us?

STATE DIRECTOR BORCHARD: Well, they won't continue in an official capacity. However, we would like to invite you back to continue to advise us. However, it will not be in an official capacity because officially your appointments will have expired. But you know, we anticipate receiving go-ahead to go through with our nomination package and look forward to renomination of those people on the first term, if you do so desire to continue to assist us in the fine fashion you have, as well as receiving new nominations of interested and well-qualified individuals.

ACTING CHAIR ACUNA: So what that really means is that there will be five of us, five less after this year, five fewer DAC members.

STATE DIRECTOR BORCHARD: There will still be ten.

ACTING CHAIR ACUNA: Right. Five that won't be here to vote; right, Steve?

MR. RAZO: Every year.

ACTING CHAIR ACUNA: I think we need to move on, Steve. Tom, yes?

COUNCIL MEMBER HALLENBECK: Thank you for your indulgence, Mr. Chair. Along that vein, I notice in our charter that's signed by the Secretary of the Interior at least a clause that says charter expires after two years from the date it was filed. It was filed on July 30th, 2008, and once it's expired, there's another clause that says council may not convene a meeting without a current charter.

So considering -- I won't call it dilatory actions of Washington, D.C. -- I think we should expedite the submission of a charter to be renewed in Washington so we can continue our business throughout the next calendar year undelayed.

MR. RAZO: Somehow that process works very well, the charter. Somehow they get that, so yes, we have started that already. We've never had a problem. We were a little late, actually, with this charter. It came in at the very last second. But yes, we're very well aware that the charter

needs to be done by next year.

ACTING CHAIR ACUNA: Okay. Look, we are running a little bit behind time, but in the past I just want to remind everybody there have been ways that, when we had field reports from Palm Springs, Ridgecrest, Needles, Palm Springs and Barstow, typically we've had representatives come up to the mic from those offices and make a presentation, a brief presentation, about the things that are going on within their district. Today we don't have that, and I'm not saying that's a bad thing at all. It's just that we do have a very busy schedule.

So what I'd like to say before we close out the district reports from the council here, we need to allow public comment on the district reports so in theory folks in the public would have read those, and they probably have some comments and would like to add.

But before we go there, are there any comments from the DAC before we go to the public part? Yes, Dick?

COUNCIL MEMBER HOLLIDAY: Yeah. I read over the report. What I typically do is, I usually send out -- if I have questions, I send out the questions to the district managers so that they have the ability to answer those and have the answers available for the DAC members without having to, you know, say, gee, I'll have to get back to you.

So what I did this time was I sent some questions

to the field manager in El Centro. And what I received back was a note from the BLM saying that those were not appropriate questions to ask of the field manager. So what I've done is I've given you all a copy of those, and I'll ask that those be put into the record. And we'll just let it go at that because apparently they're not appropriate questions.

The second thing I'd like to add about this is the response that I received on a comment on wording in one of the questions in -- it says about camping permits. What I requested is that the BLM use the correct terminology when they're referencing these permits. They do not sell a camping permit. They sell a special recreation permit, an individual, non-commercial special recreation permit.

And by continuing to refer to these camping permits, it's very confusing to the public. The public looks at that and says, gee, I'm buying a camping permit. Well, they're not buying a camping permit; they're buying a special recreation permit.

The special recreation permit is designed to reimburse the BLM for extra costs of operating an area, and that's what that fee is for.

So when somebody -- if they keep referring to them as camping permits, somebody pulls in there to have lunch and view an area, and they're going to get a citation for not having one of these permits, because everybody that enters a

recreation area is required to have a permit, whether they're coming there for lunch or if they take a picture. That's the way the rules are. That's one issue.

My second issue with these things is in my request I asked for some information on a new trash contract that was executed in El Centro to collect the trash in the Imperial Sand Dunes Recreation Area, and the response that I got from the BLM is that they cannot provide that information which they have in the past and that I have to file a FOIA.

I don't know if you're familiar with what a FOIA is, Freedom of Information Act request to get that information. So as I look at this as a request from a DAC member to get that information, I've been told by BLM to get that information I have to file a FOIA.

So now I'm going to ask, is the DAC able to file a FOIA with the BLM to get the information for the DAC members?

STATE DIRECTOR BORCHARD: Yes.

COUNCIL MEMBER HOLLIDAY: Okay. So I would make a motion, then. Does the DAC want to file a FOIA in order to request the information on the recycling and dollar value associated with a trash contract at Imperial Sand Dunes Recreation Area? I'll make a motion to say I'd like the DAC to file a FOIA to get that information.

ACTING CHAIR ACUNA: Is there a second?

COUNCIL MEMBER SHUMWAY: I'll second that.

ACTING CHAIR ACUNA: Okay, Dinah, then let's have a vote -- or discussion first. Is there more discussion we'd like to have on that topic? Yes?

COUNCIL MEMBER GROSSGLASS: I understand that we have been allowed to have that information before and that it had not been required, the FOIA. I know that previously the I asked -- the ISDRA subgroup has discussed that.

And I do understand that the BLM doesn't want people kind of telling them exactly you, know you, have to use this person, this person, this person, but I think this information is just wanted to kind of decide where the prior issue should be there for the funding. I don't think it's there to say you have to use this contractor or you have to use that contractor. I don't think it's that amount of detail.

I just want to make sure the funds are presented in a responsible manner. I don't think it wants to micromanage it. It's how are user fees being managed?

ACTING CHAIR ACUNA: Yes, Tom?

COUNCIL MEMBER HALLENBECK: Dick, would it suffice if we requested a status report of the trash program and how it's working?

COUNCIL MEMBER HOLLIDAY: I didn't hear you.

COUNCIL MEMBER HALLENBECK: Would it suffice, rather than FOIA, to ask BLM to provide us with a status

report of the trash program and how it's working?

COUNCIL MEMBER HOLLIDAY: Sure. All we want to know is -- I'll give you an example why I want to know this. I know this new trash contract has been executed so that there's a fixed fee, and then there's a fee based on tonnage that's removed.

We'd like to go out and make a public statement that says, gee, you know, if the gizzards would take their trash home we, could save "X" amount of money for every ton. We'd like to know those numbers. What's going on with recycling? Who's getting money from recycling this?

Previously the trash went out, and it was gone through MRF and recycled, and there was supposed to be money refunded back to the BLM for the recycling. And all we'd like to know is, is that still in the contract? Is there a recyclable?

People always ask me, what's happening with the trash out there? How come we aren't recycling? I tell them they are recycling. We're going through this MRF and getting money back. I'd like to find out if that's still in the new contract or not.

STATE DIRECTOR BORCHARD: The details of this subject in this information request sound to me like it's perfect for the subgroup to address that.

You know, maybe I would suggest that the motion be that or

would suggest the advisory council consider a motion or a request that the subgroup agendaize the trash contract and ask BLM to do a presentation on, you know, what's in the contract at the subgroup meeting and that that forum would provide a great place for a detailed discussion of the issues you've brought up here today.

COUNCIL MEMBER HOLLIDAY: We asked that, and we were told we had to get a FOIA. So now as chairman of the DAC subgroup and I bring that request, any motion that goes on at the subgroup has to come back to the DAC for a final approval. So I'm bringing this issue back to the DAC for final approval. Can we file a FOIA from the DAC to get this information?

ACTING CHAIR ACUNA: Can I just add something here? It sounds like, Steve, you've offered that the subgroup can chase this down with a presentation with staff and those questions would be answered better; is that correct?

STATE DIRECTOR BORCHARD: Yeah. I think the sticky point is actually putting the actual contract document out there. It's just discussing each and every item that's in the contract. The BLM doesn't have anything to hide about how it's going about collecting trash and recycling, those specific issues. The sticky point is actually releasing the contract.

COUNCIL MEMBER SHUMWAY: Excuse me, Mr. Chairman. Maybe I'm missing something here, but is there

some regulation that says you can't release a contract that a public agency has with a private company? I mean I don't understand what the motivation for not releasing the contract is, maybe.

STATE DIRECTOR BORCHARD: I don't know if it has to do with competition or -- Neil, can you help us out on this question?

MR. HAMADA: Yeah. The DAC subgroup did make this request. The El Centro staff made the request to the contracting officer in Denver to get the information that the DAC subgroup requested, and at the direction of the contracting officer at the National Operations Center, came back the recommendation for submitting a FOIA.

There are specific parts of the contract that, I guess, are proprietary to that contractor, and she want to make sure that the information that released isn't private information for the contractor. So it isn't that we wouldn't provide it. She wanted to make sure we go through the correct channels and correct steps to provide the information requested.

STATE DIRECTOR BORCHARD: Would that trigger someone going through and a contract officer doing a redaction of the contract to protect that specific proprietary information?

MR. HAMADA: Correct, and then all the rest

would be released. When the contract was out for bid, we even placed the solicitation on our web page for all of our visitors to read. It's just the specific private part of the actual contract now that it's been let that she want to make sure goes through that process.

COUNCIL MEMBER HOLLIDAY: And so in order to do that, we have to file a FOIA, so I'm asking the DAC to file that FOIA, get that information for us, deliver it to the DAC subgroup, and then it can be delivered to the DAC members also.

STATE DIRECTOR BORCHARD: Okay.

ACTING CHAIR ACUNA: Meg?

COUNCIL MEMBER GROSSGLASS: So this is odd. So who -- actually if we move that the DAC, you guys are essentially FOIA-ing yourself on behalf of us. I'm sorry. I have to bring it up. Someone from the DAC doesn't write down a FOIA. You guys are FOIA-ing, for lack of better term, yourself; correct?

STATE DIRECTOR BORCHARD: In your advisory role you would be moving that --

COUNCIL MEMBER GROSSGLASS: You FOIA yourself.

MR. RAZO: No. In your advisory role in your request of BLM to secure FOIA-able information, that's not what we are -- that's what we're doing. We are not FOIA-ing ourselves. We're getting FOIA-able information.

<p>ACTING CHAIR ACUNA: We motioned and seconded, so we're ready to vote. But what it will result in is that the DAC is asking the BLM a FOIA request for the contract on the Imperial Sand Dunes contract. What will happen is that certain parts of that contract will be taken out that are not being disclosed. The remainder portion of the contract will be given to the DAC, and from that we can give it to you. You can share it with the subcommittee when we get it.</p> <p>COUNCIL MEMBER HOLLIDAY: That's correct. Thank you.</p> <p>ACTING CHAIR ACUNA: That's what we're going to do. We can make a motion. Are you ready for that? Did I explain it okay?</p> <p>So let's take a vote. All those for the FOIA as discussed a moment ago, please raise your hand.</p> <p>(Hand vote taken.)</p> <p>ACTING CHAIR ACUNA: Okay. We've got 11 votes, and those who oppose, please? Okay. I've duly noted one opposed, so the motion carries. And that's what will happen on the record, and we'll follow through on that. Dick?</p> <p>COUNCIL MEMBER HOLLIDAY: I would also like to say one congratulatory thing for -- the El Centro field office spent a considerable amount of time to generate -- as many people may know, there's a road that accesses the camping areas in there within the railroad</p>	<p>Is that a permanent change in the order of business here, or is it just because we have a heavy agenda today?</p> <p>ACTING CHAIR ACUNA: Well, it's only my opinion, and please add to this, but I thought that personally I'd like to see the field reports discussed. But we do have a large agenda, so maybe this is the exception. Steve?</p> <p>STATE DIRECTOR BORCHARD: A couple of years ago we went to a written report due out to the DAC members two weeks before the meeting to respond to the need to provide information to both the DAC members and the public so the public could make a determination whether they would like to attend the meeting and comment on the field managers' reports.</p> <p>And as a way of saving time, you know, being a leader and sometimes being longwinded, some of my field managers follow my lead and can be longwinded in their field reports, so it is both a timesaving measure and a communication tool to get to trigger both DAC member consideration of some of the activities at the field level as well as the public we serve, putting it out in front of them and inviting their comment on this.</p> <p>COUNCIL MEMBER MITZEFELT: Just for what it's worth, I prefer to be able to have them discussed and presented, but we might endeavor to keep them short, three-minute or a five-minute time limit on it.</p> <p>ACTING CHAIR ACUNA: I think that's a great</p>
<p>right-of-way. The railroad has stopped the access of that to the public, and in order for these camping areas to continue to be accessed, the BLM had to build a six-mile road in there to do that.</p> <p>In order for them to do that, they had to do an environmental assessment and many other background information to get that done. That was done with BLM and volunteer work. They generated that road over the summertime so that we can still have access to camping areas.</p> <p>I just don't -- I don't think many people realize how much work really went into it by the field office to get the permits and everything available to do that and the work that was done there. So I applaud the BLM for doing that.</p> <p>ACTING CHAIR ACUNA: Good. Thank you, Dick. Good job, BLM and volunteers who carried that out. So recreation has won one at least.</p> <p>COUNCIL MEMBER HOLLIDAY: Yeah.</p> <p>ACTING CHAIR ACUNA: Are there any other comments from the DAC on the field reports that they would like to add right now, because I would like to give the public -- turn it back to the public for comment on the reports.</p> <p>COUNCIL MEMBER MITZEFELT: A question.</p> <p>ACTING CHAIR ACUNA: Yes, Brad.</p> <p>COUNCIL MEMBER MITZEFELT: Are the field reports being given in writing rather than verbally?</p>	<p>idea, Brad. Perhaps you could boil it down to five minutes. I think where we get in trouble is oftentimes we have more specific questions, so we'll have to kind of regulate ourselves. More discussion. James?</p> <p>COUNCIL MEMBER FITZPATRICK: If that is going to be the case, then I suggest that the name of the field manager appear on the reports. In all these reports only the manager's name appears. If it's going to be written -- the act -- because they sometimes change. Thank you.</p> <p>ACTING CHAIR ACUNA: So perhaps we could table this to the end of the meeting and see whether we would like to see the next report more formal. Is that all right with the group here?</p> <p>Okay. So shall we go on to the public comment on the field reports? Looks like we can do that. Now, I don't have anything in writing, Steve Razo, but do they need to sign anything for the comment now?</p> <p>MR. BRIERY: No, but Mr. Waldheim put down all items, so I think he's requesting time.</p> <p>ACTING CHAIR ACUNA: The all-powerful, everything covered. Okay.</p> <p>MR. RAZO: We might have to have our break now because our reporter needs a break. Are you getting tired?</p> <p>ACTING CHAIR ACUNA: Okay. Why don't we take a ten-minute break. Is that all right?</p>

(A brief recess was taken.)

ACTING CHAIR ACUNA: Okay, everybody, do we have enough people at the table here? We're just missing Jack and April.

MS. GROSSGLASS: I believe Dick is tardy getting back to the table today.

ACTING CHAIR ACUNA: All right. Looks like we've got everybody back. I'd like to open up the meeting again and start where we left off a moment ago.

Ed, please, comment.

MR. WALDHEIM: Ed Waldheim, Friends of Jawbone and friends of El Mirage. I would like to thank Hector Villalobos for putting us in the report. Thank you, Mr. Steve Borchard, for having the field managers do that. I just want to add on the Jawbone one we now have five full-time employees working in the field, tractor operators, two people working on signing and two people on fencing and closing off unauthorized trails. That's all possible from an OHV grant. Close to half a million dollars we got.

We have three full-time people working at the visitor center, at least in Ridgecrest, and in the other office we have three people working assisting the BLM office to keep that center open, so we're very, very much involved with those two field offices.

One thing I would like to make sure that have your

field offices -- and Mr. Borchard, if you can get that to all field offices, we being State of California, has a workshop for the grant starting on January the 11th in the afternoon to review the process then on the 12th a full-day workshop on the grants. And this is going to be at the Doubletree in -- Doubletree?

COUNCIL MEMBER HOLLIDAY: Ontario.

MR. WALDHEIM: -- in Ontario. So we need to make sure all field offices have representatives at this meeting for the next round. Brad, I don't know if you want to have somebody from the County. Maybe there's something the County can do to get involved with the branch.

This is a \$27 million project. Right now we're acting as if it's going to proceed. The due date for the grant is March 3rd, so we need to make sure everybody is involved in that. Thank you. Thank you again, consistently, for that. These groups have made significant contributions, and that's all volunteer time, personal.

El Mirage, great job. I'm going to say it at every meeting because it's really important to the things that we're trying to achieve in the desert for recreation. Thank you. Dick?

COUNCIL MEMBER HOLLIDAY: What were the dates for that grant?

MR. WALDHEIM: Eleventh and 12th.

COUNCIL MEMBER HOLLIDAY: Of January?

MR. WALDHEIM: You must register.

ACTING CHAIR ACUNA: Okay. So now are there any other comments from the public on any of the field reports? John, please?

MR. STEWART: Mr. John Stewart, California Association of 4-Wheel Drive Clubs. One of the things that I see missing in the field reports is some kind of an account as to the number of special recreation permits being issued by field offices and by areas that the event is being held in and also maybe a number of participants involved. This is very important data when we start looking, and it's qualifying the impact of what recreation is and looking and saying, well, is this recreation? Is this a competitive event or some other kind of commercial-type event?

And with the spin-up of this new recreation fee group, I think this is something that would be very important to know and actually helps explain it. It helps qualify what is the scope of the OHV recreation within various field offices?

THE REPORTER: Excuse me. I need to check my machinery.

(Pause in proceedings.)

ACTING CHAIR ACUNA: So we've got two people that would like to speak from the council. I'm going to go

with Ron first. And someone on my right wanted to talk, too. Let's go with Ron first. He wanted to ask a quick question regarding the counting of the permits.

COUNCIL MEMBER SHUMWAY: I think that's an important thing to have in the reports, but is there any way that there can be a counter or information on the district websites for the permits that are issued monthly, something like that? Is there a mechanism for that information?

ACTING CHAIR ACUNA: For the public I think one of the questions from John Stewart was throughout the history there are recreational permits being requested, and the idea was to have a counter district by district, and I think it's indicative of where is the popular recreation going on? So your point, I think, Dinah, is can we carry that out.

COUNCIL MEMBER SHUMWAY: It doesn't seem like it would be a hard thing to do, but maybe other people besides John would be interested in this kind of information.

ACTING CHAIR ACUNA: Is there any other discussion from the council on that? Maybe we can carry this to the end of the meeting as a potential idea, a request. What do you think, Randy?

STATE DIRECTOR BORCHARD: Is there a copy from the director of the situation, principal problem? I don't see any problem in including with the field manager reports. It is a unitive accomplishment that BLM tracks in its tracking



system, so the data is there. It's a matter of whether it gets put in the system by the responsible party in the field office. Then it comes out.

So I don't see any problem with making it a regularly included item in the field manager report. It seems reasonable. And I agree with you, it does sound like valuable data. Anytime you qualify a huge, very important use, it's good information to have.

ACTING CHAIR ACUNA: Dick?

COUNCIL MEMBER HOLLIDAY: I think that would be really good, and I think it should be tracked by the recreation area or at least obviously by the district office, and then that data can be used in some of these reviews of renewable energy resources or other uses of the area. That data can be used in there to say, yeah, this area is really highly used by these particular venues.

ACTING CHAIR ACUNA: Excellent. I would like to give the board to Ron -- he had a comment -- then to Randy, please.

COUNCIL MEMBER JOHNSTON: Actually, a quick question. It's not relative to the field manager reports, but because of the focus that has been placed by John, Ed, Dick on the value of the recreational use of the BLM lands -- and Dick, I copied you on a memo in response to your memos that you had put out on the trash and so on.

But I've had more than a few people bring up to me within the last month two articles, one of which was in the local paper in Joshua Tree, the High Desert Star. The other one was in the San Diego Union. It was more in depth. And third was a result of a couple of newsletters from a state assembly person in the San Diego area, and these are all regarding deaths of minors, children, riding ATV's in an unsupervised fashion. And some real concern because the state or at least the state assembly, as I understand, is considering passing some kind of a law prohibiting children from riding ATV's under a certain age.

Is there anything being done on a controlled basis with these off-road vehicle groups to prohibit or police the use of ATV's by young children in an unsupervised fashion?

COUNCIL MEMBER HOLLIDAY: Let me respond to that. There's currently a law in California that any minor under -- actually I believe it's under 14 -- has to be with an adult and -- under 18, I guess, and any minor under 14 they have to have this -- a recreation -- a -- what do I want to call it? -- a safety certificate that's issued by the state, and each child has to have one of these or somebody within their group.

We have American Standard Association generated 501C3, association called American Desert Foundation, and they

applied for a grant from the state green sticker fund, and they provide training at the dunes every Saturday, I believe it is. We have a set schedule for this training, and the BLM has started to now enforce -- I'll use that word enforce -- the requirement for children or somebody in their group to have a safety certificate. So there's already laws on the books.

This law that you're talking about is a law that wants to not only restrict the use of things but actually prohibit them.

COUNCIL MEMBER JOHNSTON: Prohibit. That's what I understand.

COUNCIL MEMBER HOLLIDAY: But right now there are laws on the books in the State of California that allow children to have a safety certificate and go through this riding class to understand how to ride these devices. We obviously don't think that there needs to be any more laws. It's kind of like anything. If the existing laws would be enforced, the problem may go away.

One of the things that you found that's unfortunate is that many of these people that are killed in these accidents are newcomers. They come out to the dunes or the recreation areas, and they've never been there before. They don't know what's on the other side of the hill, and they go flying over the hills and get killed. You can't cure stupid,

you know, and these people are just going out there doing stuff that is crazy. And if you have the proper training and safety certificate, that should alleviate a great deal of these issues.

ACTING CHAIR ACUNA: Thank you, Dick. So where we went was that we talked a little bit about having a count for all recreation district by district. It sounds like BLM has do that in the future, so we'll have that.

There was discussion about potentially preventing children riding OHV's. The bottom line is that there are programs in place to encourage training for those folks. So with that, I think, are there any other public comments to the reports?

Then I'm going to go ahead and close that and move on to the next portion of our meeting, gentlemen. James?

COUNCIL MEMBER FITZPATRICK: I just wanted to go back in the interest of time. Perhaps at the end of the meeting I would have some comments on the state director's report that was written. And we were handed it as we arrived, so I've only had time to read it now. I don't want to take the time now but at the end if we have time.

ACTING CHAIR ACUNA: Would you please make that a point on your agenda to bring up, because I'm trying to keep up with all these things, and I don't know if I've written them all down. You've got to keep me honest. At that time,

10:00, we were supposed to have a presentation by California Department of Fish and Game on the Desert Renewable Energy Conservation Plan, and we were going to obtain some public comment on it, that plan. The person is running late, and so we're going to allow that person to speak in the latter half of the afternoon.

And we'll move on to the next item, which is the Dumont Dunes, Imperial Sand Dunes Recreation Area Subgroup updates, and that's going to be presented by Randy Banis and Dick Holliday, and I'd like to turn the floor over to him to make that presentation.

COUNCIL MEMBER HOLLIDAY: Go ahead, Randy. I'm going to rest.

COUNCIL MEMBER BANIS: Very good. Thank you. I'm going to run through just bullet points, please. First the Dumont Subgroup has been reconstituted essentially with the same members that made up the prior TRT, with the exception of the addition of a community representative, and that is Brian Brown. Brian Brown is a well-known local businessman in the at that Tecopa-Shoshone area, is active in the Amargosa River Conservancy, and folks may know him mostly due to his attachment with the China Ranch Date Farm that's outside Death Valley.

And we're pleased to have him join us on our TRT.

We've had two meetings since the last DAC meeting.

This is an active group. Two of the key issues we're looking at are, one, developing the voluntary conservation plan for the Mojave fringe-toed lizard. Former DAC member and TRT chairman Bill Presch, Dr. Bill Presch, is still conducting surveys and studies for this, and his most recent studies have found that this population is expanding in its range. They are finding this animal in new locations.

Another issue is a possible fencing project to help project some of the sensitive resources that are outside the boundaries of the OHV area to protect it from insurgence into non-riding areas such as the wilderness and the ACP. There's a grant that has been funded to provide this fence, and at the last meeting Roxie and the TRT got together and made various suggestions as to where they thought the fencing would be most appropriate.

A third issue is, we continue to shift the sale of permits to offsite, and I don't think we had an actual specific number, but it was estimated as approximately 60 percent of the sales are now occurring off-site, which is an improvement. And we will be looking at the need for fee machines in the future as to whether we'll keep them onsite and whether they'll be for credit card purchases or cash in the future.

Lastly the TRT shares -- I'm sorry -- the subgroup shares a concern with the Imperial Sand Dunes subgroup or a

desire to have consistent format for aggregate financial reports, and Roxie presented a template for that in the future, and we found that that was a very good start. And if that's a template that's agreeable to the Imperial Sand Dune subgroup, then I think we may have found what we're looking for.

And our next meeting is going to be a Saturday meeting. Pardon me for slowing down a minute. I'm trying to find the date. I should have had this. Pardon me. I didn't log it. Here we are. Saturday, February 6th at the Barstow field office. It's a Saturday meeting at the request of the OHV committee so we could have more input from the public. Thanks for the opportunity to report our activities.

ACTING CHAIR ACUNA: Thank you, Randy. And now Dick.

COUNCIL MEMBER HOLLIDAY: We had our first DAC subgroup meeting on September 11. We elected the chairman, me, and the vice-chairman and our other members. We had some -- we reviewed the bylaws and what our scoping was. We set up terms for the new members, which we were supposed to do. We discussed meeting format for our meetings, when we would have our meetings. We also had a report from the Mesquite Landfill. That's a landfill that's going in out to the east of the dunes. It affects the dunes from the standpoint that they're talking about 500 trucks a day or something bringing

in trash in there that are driving down the road to get in there.

Originally this landfill was to have -- their trash comes from L.A. and was supposed to come by train, and they're having some problems getting the train situation, the tracks put in, so they're looking at 2012 to have it start with the train, and in the meantime they're looking at changing out their conditional use permit to increase different amount of truck traffic. So we've been working with them on ways of trying to alleviate that traffic during heavy load periods or heavy visitation periods.

Let's see. We talked again. I'm going to thank BLM for this. Wash Road. We had a tour before our meeting for people that could get out there the day before and saw preparations for the Wash Road and what was being done by BLM. It wasn't completed at that time. They completed that.

We reviewed the current rules and looked at PNV monitoring. That was one of the questions that wasn't really resolved.

Pearson's milk vetch. It's an endangered plant that's in the dunes, and we want to see if BLM has planning any monitoring for that. We asked a question, and we haven't gotten anything back yet, so we'll ask that question again.

Our next scheduled meeting is the 28th of January, and that will be in El Centro at 9:00 a.m. I think that's

about probably the major thing that we had here. I think this system is going to work pretty well. Having these -- getting these subgroups underneath the DAC will be helpful.

ACTING CHAIR ACUNA: For the public the comment here is that the DAC provides leadership on these subgroups, Dumont Dunes and Imperial Sand Dunes Recreation Area. Both Randy and Dick have played an important role providing leadership from our level to those groups, and the reports that they just shared with us are they showed significant progress has been made in those areas.

And I want to thank you for taking care of those things. Especially I'm very interested, Randy, about this voluntary habitat management plan. I've never heard of an ACP. That was voluntary. Can you just share a little bit about that.

COUNCIL MEMBER BANIS: When I first consulted -- is that the right word to be using, Roxie, please?

MS. TROST: Conservation plan.

COUNCIL MEMBER BANIS: It is a conservation plan. Maybe the word voluntary was, let's say, rather than voluntary, self-initiated, perhaps under consultation with Department of Fish and Wildlife. This came about due to a request by members of the science community to list that species and in response to a potential listing of that species the field office Fish and Game and other BLM entities are

working on a plan to separate the OHV use from the actual habitat of that species.

COUNCIL MEMBER HOLLIDAY: Fish and Wildlife Service.

COUNCIL MEMBER BANIS: Fish and Wildlife. Excuse me. Thank you.

ACTING CHAIR ACUNA: That was a fine example of proactive efforts to protect a species before it got in trouble.

COUNCIL MEMBER BANIS: Yes, and much of it had to do with the foresight of the BLM in taking and looking at this species or making a plan to look at this species early on before this could come to a boiling point. And that's Dr. Presch's project, and we're very pleased to have him directly participating with us so we get good data right from the horse's mouth.

ACTING CHAIR ACUNA: I think that's a positive thing for the recreational community, the effort that's taking place here. And I think, Dick, too, the Mesquite Landfill -- I think the issue there is that you have a lot of trucks. Things fly off the back, and then they get bumped to the sand dunes. Is that it?

COUNCIL MEMBER HOLLIDAY: No. The issue is that, if you go down to the sand dunes, there's Highway 78 that runs through there, and there's numerous entrances to the

recreation area that are off that highway, and you know, it's dangerous to turn off that highway, turn back on that highway, make a left, turn across traffic. And if we're looking at tens of trucks an hour going across there, it becomes a problem.

We've asked them that if they could put in some left-turn lanes or some turn lanes, it would help the safety issue. It's a safety issue more than anything. It's not -- I mean they're required to contain all their trash. It's not stuff blowing off the trucks. There's issues with the ravens. We've been required to have raven- and coyote-proof trash receptacles because of the ravens -- supposed ravens there. But other than that, the big issue is just a safety issue as far as vehicles exiting and entering the recreation area.

ACTING CHAIR ACUNA: Are there any comments from the DAC on these two reports?

COUNCIL MEMBER SHUMWAY: I have a question for Randy. Randy, you mentioned that you got money from a grant for your fencing program? Where did that grant money come from?

COUNCIL MEMBER BANIS: That was a grant application that was filed by the BLM's Barstow field office to the California State OHV division as what is called a green sticker grant.

ACTING CHAIR ACUNA: Are there any other comments that DAC would like to add on these two subgroups' discussion? Okay. So why don't we move on to the next item on the agenda.

COUNCIL MEMBER HOLLIDAY: Any public comment on that?

ACTING CHAIR ACUNA: Did I drop the ball? Okay. Do we want to provide public comment on this one?

COUNCIL MEMBER BANIS: It's not on the agenda.

ACTING CHAIR ACUNA: It's not on the agenda. All right. Next. All right. So why don't we move on to the next item. That's supposed to occur at -- we're out of sync anyway. I won't even state the time. The subgroup handbook discussion by Don Maruska, BLM consultant.

MR. MARUSKA: Thank you very much, Mr. Chair and members of the Desert Advisory Council. It's good to see many of you again and some new faces here, as well.

What I want to do is take some time to describe with you the process for creating these subgroups. I think you've heard -- with the reports from Randy and Richard, you know how well these subgroups that have been established are moving forward under their newly formed structure. What I want to do is talk with you about how you might deal with some of the remaining -- the groups that were created in the past and also how you can go forward and work with future groups.

All of this is in the context of figuring out how to maximize in the most effective way possible the engagement of the public with the BLM on key issues of advisory topics and how to work through that effectively.

A number of you have already been hearing in the discussion about FACA. The FACA is the Federal Advisory Committee Act. And what I was asked to do by Mike Pool, state director, was to review that act to review the procedures being followed here in the Desert Advisory Council and elsewhere in the California BLM and to make sure that the procedures were consistent with that act and to provide guidance to how these groups can be as efficient and effective as possible so that they make good use of the public's expertise and efficient use of BLM's scarce staff resources in supporting those groups.

The fundamental element behind the Federal Advisory Committee Act is the notion that at any time when there's a formalized group that is providing advice to the BLM, that that advice come in a way that is balanced and has adequate access to the public so that there isn't in the creation of any particular advisory group a sense that certain groups have a special interest that they're being heard more by BLM or a particular interest is being heard more by BLM than others. That's the fundamental purpose behind it.

The result is that it has a very, very formalized set of procedures to follow. That's one of the reasons why you have this protracted process of getting your nominations approved, because the Desert Advisory Council is a formal FACA-approved advisory committee. Okay. It has to go through all the structures, and you have all the associated overhead with that, if you will, of the meetings and how things are recorded and so on and so forth.

So the issue is -- okay -- if special needs come up or ongoing needs like very actively used recreational areas such as Imperial Sand Dunes or Dumont Dunes, how do you deal with the interaction with the public and those areas, because to create another whole FACA structure like the Desert Advisory Council to deal with each one of those would get you in, you know, that whole sort of nomination cycle and everything else and all the overhead of doing this that would just really make it impractical.

So what we did and what those of you who were here in March looked at was to figure out how to use existing structures to accomplish the same objectives as efficiently as possible. The basic thing that came out of that was -- at least within the desert process, was to create subgroups of the Desert Advisory Council to accomplish targeted objectives.

The question was how to give those a clear mission and a clear focus and how to have them work effectively with you and the DAC so all this could function efficiently.

So what I want to do is take a few minutes to go through with you the -- and we'll -- I'll be walking through this Guide to Effective Engagement of Stakeholder Groups with California BLM. There are copies in the back. Are there any council members that don't have one and would like staff to provide you with a copy? We're going to walk through elements of this. Is there anybody who needs copies? Could you help David give copies of the council members who don't have copies with them of this?

MR. BRIERY: It should be in your folder.

MR. STEWART: Some of them don't happen to have them at hand.

MR. MARUSKA: So what I want to do is talk through a summary here. I'm going to give you sort of like here is the conclusion at the start, and then we'll walk through the steps to get there.

First of all I want to point out there are multiple opportunities for stakeholders to collaborate with BLM. There's information exchanged, projects like with the friends groups, as well as the advice function so we don't have to do everything with the same tool. There are multiple tools to use. Forming a DAC subgroup is one approach. It's targeting specific needs of BLM to receive advice from stakeholders, so we want to make sure we are not proliferating a large number of subgroups. They need to have targeted purposes and focused approach.

There are some key factors for success with regard to these subgroups, and there's a checklist to guide decisions on your part about whether to form a subgroup and, if so, how to do that to be effective. We're going to walk through one as an example, and just note that the DAC needs to retire or convert, not simply rename, what were formerly called TRT's, or technical review teams.

Technical review teams are designed under the Federal Regulations as being only for situations where there are federal employees or contractors to the federal government that are serving in a technical capacity, so whether they have formerly been called TRT's -- and you still hear the use of that word -- were never truly TRT's because they involved members of the public, and that's one of the reasons there's a need to convert these former TRT's into DAC subgroups or to retire them if their purpose is no longer relevant in individual cases.

So these are the three different dimensions of collaboration, projects you know are really done through the friends groups and others, and these are a very robust history of collaboration with Friends of El Mirage and Friends of Jawbone and ASA and the Imperial Sand Dunes. All these different groups working on projects and doing things, that requires an arm's-length relationship because if it's too

tight between BLM and those groups, then those groups lose their eligibility to get funding that the BLM can't access because they're viewed as captive. So there's a need to have some clear relationships and clear rules of the road to give those friends groups their independence.

There's information exchanged. You know, there's a variety of ways in which BLM staff go to American Sand Association conferences, other user groups environmental groups, et cetera, et cetera and talk about things that are going on and get informal input and questions from the public. That needs to happen all the time.

And then there's this very specialized arena of advice, and that's where we really get into this whole issue of needing to formalize that because that gets into the question raised at the very start about how to do this in a way that's fair and doesn't advantage one portion of the public over another and helps BLM get its job done.

This is advice, not direction. There's a real distinction between that. And we want to talk about that distinction because it comes through in very specific ways. All of this is to advise BLM.

It's BLM's ultimate responsibility to choose what advice to accept or reject and how to incorporate that in its ongoing management activity so that it can be held fully accountable for its actions rather than saying we did this because members

of our advisory group told us to do it. If it doesn't work out, it's on BLM's shoulders to be accountable for what happened and for the results being effective.

So we're going to talk about these key factors for success. There's seven of them. We're going to list them here on this slide, and what I want to do is then just walk through each of them. These are highlighted in this guide so that you can track it here, but I wanted to talk about how we actually put these into practice with a couple of specific examples as we go along.

So the first key factor for success is choosing the right form for the function; in other words, figuring out is this something that's really an advice function? Does it really need to be a subgroup? Or could it continue to operate as a friends group or informal information exchange? And you'll see in the guide this decision tree.

So the first question is, you know, is there a large actively use area with many constituencies and management issues? If yes, then you figure out does it require an advisory role, or is this just information exchange or projects? If it's just information exchange, well then, no, you're not going to form a subgroup; you're going to use those information exchange groups and friends groups on projects.

But if you do have an ongoing need for there to be

advice, just ask the question, is there an existing FACA advisory committee to work within in the case of the desert? Yes, there is. That's you, the Desert Advisory Council. So then the answer being yes, you then look at, okay, how do you form a subgroup?

So some of the distinctions here about choosing the right form for the function come up in the context of some of the issues you've already been talking about this morning. So for example I've heard a lot of interest from you around the table with regard to the renewable energy. Some of you are actively, personally involved in that field. Others of you are very concerned about the impacts of the resources that happen there.

You might say this could be an opportunity for a subgroup of BLM, but one of the things to look at in this context is, what else is happening? The whole renewable energy has program particular environmental impact statements that are incorporated. It has the whole NEPA. That's National Environmental Protection Act. Some of them have scoping meetings. They have a structure that's already going on and already handle, if you will, an overhead, an engagement of public in that kind of discussion.

So that, I think, would really raise a question for you of, okay, if that's already being done and that structure is already there, then is there really a purpose served in

having the DAC create a subgroup that would parallel this already very formalized structure for public consultation, advice, engagement and involvement? Or do you want to think about a different way in which this DAC is either appraised of what happens through that NEPA process and the programs and other activities rather than creating a subgroup which would be in parallel but not as robust as what's being required in other areas of the federal government regulations that affect things like putting large-scale projects on the ground?

So these are some of the things for you to think through as you think about are we picking the right tool here? Is this right for the role of the DAC? Is this the right kind of function that we want to take a look at and deal with in this context? And those are the sorts of issues you'll need to address so you can come up with a high level of confidence you're creating something that's going to be successful that will be a fulfilling opportunity for the public, will work effectively for you and will balance with the workload that you as a DAC can handle so you don't have so many subgroups reporting to you and everything else where you get encumbered efforts. That's the tradeoff here. There's always a tradeoff with regard to BLM and its ability to support subgroups.

Let's look at some of the different considerations for you to work through in thinking about whether that's appropriate. Your DAC bylaws that you adopted, modified in



April, adopted in March of this year, state that, you know, these groups can be established by the committee chair here of the DAC with the concurrence of the designated federal official. So that requires both of those parties to say yes, this makes sense.

The reason for the committee chair to be able to do it in concurrence with the designated federal official was because of the concern about in some instances, you know, the frequency of the meetings of the DAC, they might not meet often enough to have a full DAC meeting for when a subgroup is needed, and if the district manager says, hey, I really need help on this and the committee chair is in concurrence and, you know, you've got that out with the membership, even though you haven't had a formal DAC meeting, you might be able to go ahead and create a subgroup through this to accomplish your objectives.

It's particularly happening when there was long time periods between DAC meetings, and so therefore it was a problem about how is this going to be conducted in a time-effective way.

So moving on, the guidebook provides for a clear template for each subgroup, so the idea is each subgroup would have a specific mission instead of objectives it's seeking to accomplish so it would be very clear to anyone thinking about participating what are they to do the language that BLM is

trying to work with in terms of the advice would be clear, then, to think about what are the expertise or interests needed and the number of members to accomplish that -- what's the term -- term period, if you will, for subgroup membership, selection of members and election of officers, a meeting schedule and a process for reporting back to the DAC, because you're ultimately responsible for each of these subgroups.

So you'll recall last time that a specific template for both Dumont Dunes and Imperial Sand Dunes recreational areas they had created, and the DAC approved a specific template for each of those. They differ a little bit between the two because the two areas differ somewhat in the issues they deal with, although they're both recreational vehicle use areas and then indicated a very specific mission, expertise areas, as Randy indicated.

They've modified that a little bit, expanded it somewhat because they realized they needed community involvement because there were issues like trash spilling out literally into the community, if you will, and needed that kind of attention. So this is how it works through, and then there was created a specific way to get the information back to the DAC. That is that these subgroups, some of which, as you've heard, meet more often than you do as a DAC. So there was a need to be able to get information through you to BLM in a timely way because these subgroups can no longer really be

reporting and expecting action directly from BLM itself because these subgroups only exist as a creature of you, the DAC. So they have to be legitimate to that. They have to report up through you.

So the idea was to create a process whereby the subgroups would report and submit those reports to the chair here on the DAC. Those get distributed out. People would have on the DAC an opportunity to review the comments of the recommendations from the subgroup over a 14-day period. They'd be posted on the website so the public could look at it. And then after that 14-day period whatever comments come from the DAC would go forward to BLM.

And it might be that you as DAC members, having perhaps a broader or more diverse set of interests that might be -- or a different set of perspectives that might be included in the subgroup would comment and say, I think they really ought to look at issue "X" or "Y" before advising that such-and-such an action should be taken. And then that might trigger it to come back for discussion at the next DAC meeting about what could be done to incorporate those perspectives or ideas, so then again you're still, as the DAC, maintaining an accountability for this subgroup you've created. So that's a little bit about how things were worked through in March for the Dumont Dunes and for the Imperial Sand Dunes Recreational Area.

What I want to do is just take a moment to go through -- you have had a number of motions carried over from last that were tabled from the last DAC meeting. One of them was about the creation of a Rands subgroup. Just to give this a realtime perspective, I connected with Steve Borchard and Steve Razo and, in turn, with Hector, the field manager for this, and Craig, who is on his staff, and said, okay. For the Rands subgroup that had previously existed what, BLM, do you need or want or are looking for from a group that would be representing that area in going forward?

So they came back with this is a vision of what we see for a group like this. These are the kinds of areas of expertise that are needed. It doesn't need to be a huge group. There needs to be one person on this subgroup that's also on the DAC so you have a formal way to report back to you.

But this was their way to sort of structure this out and say, okay. We're not just going to say we're going to convert the Rands TRT into a Rands subgroup but rather think through what is the mission, what's the expertise, how is that lined up, and then be able to move forward.

And then they just mimicked here the term, selection, meeting schedule in large part, although in their case they thought about four meetings per year just to get it kicked off and settled in, maybe moving them to three times

per year and follow the same process for reporting back to you. So this would be a staff recommendation about what BLM would be looking for forming a subgroup representing a Rands area.

Okay, just to give you a concrete walk-through of how this plays out.

So my advice to you would be that before the DAC creates any subgroup, that you really ask for and receive a specific kind of template of what this groups is going to do, because what had happened in the past over the years was that anytime an issue came up, they would say, let's form a TRT, which of course was the wrong terminology and framework, but anyhow, let's form it, and these things got formed, and there was ten or a dozen of these things that kind of lived out there, some in limbo, some very, very active like you've heard this morning, and it really didn't provide clarity about how these would work and for you at the DAC level no accountability, you know, to how you would proceed.

So that's why it's important to really put some structure and form around this so that when people are asking, what is that group supposed to do? And how are we functioning, and is that working? And, if somebody wanted to volunteer, what am I getting into? What am I supposed to be doing, and how can I be helpful? So that's the basic outlines here.

The third piece of this is really to follow some constructive communication guidelines. These are in your guide. They talk about having a clear mission, which would be established with this template, encouraging people to work through the subgroup chain and the designated BLM staff to raise issues so that actually these subgroups have a function rather than people just using them as a sounding board but then kind of going off channel, if you will, to raise concerns before the subgroup and BLM have a chance to work through it and then to share those responses out to all the subgroup members so everybody is informed about this and they have a log available about that.

I think you know -- Steve Borchard certainly underscored this spirit of collaboration you here at the DAC have been manifesting and certainly are doing with your subgroups and the important role of providing the channel of information back and forth and summaries of the meetings.

And then the eighth item here is for the DAC to really review each year, how are these subgroups performing? Are we having problems with some? Are some no longer needed because they fulfilled their purpose? Do we have the right people on them? Do we need to do other things to make sure they're really serving their purpose and both the public is having a productive experience of this and BLM is getting an efficient and effective channel of advice?

So looking on here, recruiting effective subgroup

members. In this guide there's a specific membership application form, a standard form used for all subgroups, but it varies in terms of how people would respond to these questions based on the specific mission and directions and so on of the subgroup.

There's a way to -- and I think this responds to questions some of you had, as I read from the minutes of last meeting, you know, about okay.

How do these folks get nominated? What's the process? How does this go on? The fifth key to factor for success is to be good advisors, not directors. This is tough. How many of you here on the DAC serve on a board of directors of a not-for-profit or of a corporation or something else?

Okay. So half or most of you; right? In a board of directors' role you have a fiduciary responsibility. You really are accountable for what that organization does, how it spends its money, whether that money is spent accurately or not and whether, you know, it's your job to turn over all the rocks and make sure it's all covered, not that you have to micromanage, but if you think that that's not being managed effectively, you've got to dig in there because you're on the hook and you could actually be sued as a member of a board of directors if you don't fulfill that fiduciary responsibility.

That's not your job here. Your job here is to be an advisor, and I think it's real hard for those of us that serve on a board of directors and feel that responsibility to then step into another role that feels kinds of foreign, and notes are being taken, and maybe I'm in that same role. Well, no. You're really in this advisory role.

And one of the things that you were grappling with earlier today is one that I've talked with the Dumont Dunes and Imperial Sand Dunes group about is this whole issue of, you know, where does advice and direction -- where do you cross the line between advice and direction? How does that especially come into play with regard to the financial issues and the effective use of public funds?

And the guidance that we have on this comes from the Code of Federal Regulations and probably one of the not most artfully written sentences, but it's what we have. I didn't write it. It's what came out. It said that "A resource advisory council," in turn, or a subgroup created of such, "shall not provide advice on the allocation and expenditure of funds. A resource advisory council should not advise regarding personnel actions."

It raises a question like Dick raised. If we can't talk about money, what is there because everything takes resources, and how do you balance that out?

So my advice and commentary to you would be the following, and I think this is a fine line, and it's one that you you'll have to talk about, and I think your chair has been

helpful to you in the meetings and in this meeting about talking about this issue with you, which is, you know, you can talk about what are the priorities -- you know, what are the priorities that need attention at Imperial Sand Dunes or Dumont Dunes or El Mirage? Or you pick it or whatever else, or what are the priorities about areas of concern with regard to renewable energy, and where do you think more attention needs to be applied to address those issues? Where might there be less attention given to other things or fewer resources, because there's a limited number of resources to go around to apply these.

In my view of the Code of Federal Regulations here in this commentary that sort of discussion, I think, is in your purview because that goes back to the prior statement which is the advisory council advises the Bureau of Land Management official to whom it reports. So that's your designated federal official here, your district desert manager, regarding the preparation, amendment and implementation of land use plans for public lands and resources within its area. So for example, what the priority should be on different areas worked on and so on and so forth.

So you do have that role in identifying priorities and areas of need and providing a vehicle of input to BLM about places of concern, and that has some impact about, you know, where you think funds would be effectively spent and

where they might be less effectively spent.

But it doesn't get into the issue of, okay, you know, should the trash collection contract be for "X" thousand dollars or "Y" thousand dollars? Okay.

Or is the person who's doing the trash collection being paid too much or too little, you know, or whatever, unless you think that that's fundamentally impacting their performance in serving the public and you're saying you need somebody with more skills at that job because they're not interfacing with the public effectively to deliver the value that's needed.

So that's some of this fine-line issue here to work through and to sort out, but I think that as you deal with sort of the double-edged sword here, the good news is you're not on the board of directors. No one is going to sue you for what you say or do here, provided it's not defamatory.

And you know, the bad news is, you know, you're not -- you're not in the position and you don't have the time or role of digging in like a board of directors. That's a basic sort of point here on this one.

And then this issue of reviewing ongoing performance and the need for a subgroup, I suggest that you address for each of the subgroups on an annual basis these five questions, you know, is it being effective? Has it completed its mission? Are there some options to enhance the value? Is there better ways to coordinate with you to make

sure it's being done effectively? Is it functioning within FACA and the spirit of FACA? And do you have the right expertise, or do you need to be modifying that because the role of the needs of the area are changing.

And then seventh the key factor for success is celebrating your successes. Highlight the results. I think you were doing some of that today. That's good. Communicate them with your constituencies so they know there is a pathway here for the public to provide input and advice is being used, there are results coming out and that you can enjoy the experience of accomplishing that. Those are the guidelines.

Here's some frequently asked questions.

Some of them have already come up in your past meetings, and I want to speak to them directly, and you may have some other questions you'd like to ask. The first one is, does collecting a fee require the formations of a subgroups for the area in which the fee is being collected? The answer is no, as evidenced by the fact you've got El Mirage that has existed that's been collecting fees. There is a formal structures. It did not exist when the Imperial Sand Dunes group was first formed and Dumont Dunes was first formed.

When those were first formed, they were formed when money was starting come in to be available for recreational use in those areas. They didn't have a structure at the time to figure out how those funds were being used, how the

reporting was to be done, how the public got some awareness of that, and so in essence the Imperial Sand Dunes and Dumont Dunes groups sort of stepped into the breach and really got very involved in that because that was the public's only point of accountability for those public funds and their knowledge about how the public funds were being applied in those areas.

Now, since other vehicles have come into play, there's group you may be hearing about that some of you on the DAC have heard about before, the RRAC, that's the Recreation Resources Advisory Council. That's the formal group designated by the federal government to do the formal review of the fees that are charged in fee collection areas whether they're appropriate or not and so on and so forth and then require that there be a process of vetting out to the public about what those fees are, getting input, evaluating that and so on and so forth.

So there are now new ways that some of the issues that these groups originally were formed to address are now being handled; okay? And so it's also part of the reason, I think, why you may be getting some response from BLM saying, well, you know, look. Let's kind of talk about priorities. Let's kind of move off of the details of the day of, you know, the fine-tuning of budgets of these fee areas because now there's more process in place.

And it sounds like, Randy and Roxie, it's great

that you figured out a template of how to exchange the information so it has that information that enables you at Dumont Dunes subgroup to understand where BLM is placing the money in terms of priorities and for you to comment about whether those priorities are correct or not.

So I think you made some good progress in figuring out what's that right middle ground of providing information that's detailed enough to help people determine appropriateness of priorities yet not so fine-tuned that it gets into micromanagement or into -- at one point I think there was in the history was even down in some areas to, you know, what particular members of the staff were making, you know, which is really, as you can see from the earlier Federal Regulations, inappropriate. That's a comment about that question.

Another one is what effect does a resolution or vote of a subgroup or, for that matter, of the DAC have? Again because both the DAC and the subgroups have purely advisory roles, you know, the -- you're not a legislative body. No one elected you. So having a vote and having especially a closed vote like, you know, 55, 45 votes doesn't really add any value because your role is really much more to figure out how to reconcile multiple interests.

And most of the things I think that you will be

most effective in doing at the DAC level and subgroup level would be those things where you've been able to figure out how to reconcile differences and coming up with something maybe you don't have unanimous support for but broad base because that indicates you've really done your job, which is really to advise BLM about how to resolve these multi-use issues, which is what their job is all about.

So those are some thoughts for you about some frequently asked questions, some ideas, some perspectives, and I welcome any questions that you might have. Dick?

COUNCIL MEMBER HOLLIDAY: Could you go back to Slide 14 for me.

MR. MARUSKA: You can tell me the number? Good.

COUNCIL MEMBER HOLLIDAY: What I think is important here -- is pretty important here, the second sentence there under "B" there, which I think is a real important point, "Except for the purposes of long-range planning and the establishment of resource management priorities," and I think that's really what we're looking for here is, we're trying to establish resource management priorities without looking at the dollars associated with these. And so I mean there is dollars associated with those, and we know that, but that's one of the things that we do have -- we can look at.

It says, "Except for the purposes of long-range

planning and the establishment of resource management priorities." We're not supposed to look at dollars, if you will. So I think that that's really a key to what these organizations or these groups are supposed to do. That's establish resource management priorities, and that's why we asked for some of the information we asked for, is to help us help you -- help the BLM establish those resource priorities.

MR. MARUSKA: Okay. And it sounds like -- again an example from Roxie and Randy from Dumont Dunes, that's -- you found some ways to get to that kind of information exchange that facilitates that kind of resource management prioritization and planning kind of discussion. Other questions that you have?

COUNCIL MEMBER FITZPATRICK: Is it possible for you to e-mail us the actual PowerPoint?

MR. MARUSKA: Sure. I've made it available to BLM.

COUNCIL MEMBER FITZPATRICK: We get a short version.

MR. MARUSKA: Yeah. Actually all of what you need really is in this guide right here, but if you'd like a copy of the PowerPoint, you can, but nothing is on that that isn't in here.

COUNCIL MEMBER FITZPATRICK: All right. Okay. Thank you.

MR. MARUSKA: I was just trying to summarize it for you to facilitate discussion. Any other questions that people have?

So I would just sort of comment, you know, you've got a number of comments coming up about what to do with the Rands. I think I provided you something about that. You've got this issue about what to do with regards to renewable energy. I made commentary to you about that. You can sort that out.

But I would advise you, bottom line, to use subgroups sparingly because they kind of take on a life of their own. They take care and feeding. It's like having another kid. You know, there's overhead. And you know, they've got good purposes, and I think you've got, you know, ideas for the Rands subgroup to go forward. I think there's an idea about the El Mirage subgroups being formed because of ongoing needs. Roxie has gone through that decision tree, and I think she's got suggestions about that.

But otherwise think carefully about when you went to step into that water and you take the time to spell out, you know, what's the mission? How are we getting the right expertise? That sort of thing. Is it balanced? Are we fulfilling our responsibilities here at the DAC and through FACA for what you're doing?

ACTING CHAIR ACUNA: Don, that was a really wonderful presentation and, too, timely. I learned a lot from what you just presented, and I certainly have a few questions. But I'd like to advise everyone that we're nearing 12:00 right now, lunchtime, and not to bring this to a closure. I'm kind of bringing it up to speed. We're about three items behind right now, and I imagine those items are going to take significant time. I didn't do a calculation on that.

But what I would like to suggest is that we take our lunch break, but we might want to shorten it up from an hour and 15 minutes to maybe 45 minutes. Otherwise we might be here until 5:00 or even later, and I want to make sure that we get to every item we have, you know, the right amount of time to go through. So I just wanted to alert you to that for right now.

So are there some ideas? What do you folks want to do? Do you want to take a break now then come back?

MR. MARUSKA: Well, I can take questions you people had relative to the motions that you want to explore relative to this presentation, whatever would suit you.

ACTING CHAIR ACUNA: What I think might work is, there are a few people who need to check out. Let's give them time to check out. Let's pick up where we left off right now, so you'll be back first thing, and we'll close this off with you, if that's okay, and I'll have a few questions possibly.

And then we'll see -- is 45 minutes for lunch -- is that too short?

COUNCIL MEMBER BANIS: Ask my waitress.

COUNCIL MEMBER FITZPATRICK: Depends on the kitchen.

MR. BRIERY: If you tell us what's available for lunch.

MR. KALISH: There's a restaurant right across the parking lot, a sit-down restaurant. Then as you go north on Cook, on the west side of Cook is the new University Village that has a number of more fast-food kind of student oriented, because of the campus right here, some fine food establishments. It provides a whole number of options, especially within a 45-minute timeframe.

ACTING CHAIR ACUNA: It sounds like we can make this 45 minutes. Right now what the plan is is that we're going to try to get back here at, let's say, 12:50. Is that all right? And then we'll pick it up, and in the meantime we'll try to figure out a way to keep this thing going so we can briskly hit all items we need.

So with that, I'd like to close out the meeting until we meet again after lunch.

(A lunch recess was taken.)

ACTING CHAIR ACUNA: All right, everybody, we're going to reconvene now. And I just want to talk about our

agenda for the remainder of the afternoon. And we are going to -- isn't that right? We're going to start with where we left off and close out with Don Maruska on the handbook.

Has a California Department of Fish and Game person arrived? Okay. Great. So what we have is a presentation on the Desert Renewable Plan, and we're going to take 15 minutes to go over that. I wish we could give you more. We are going to talk about the BLM Rands planning process. That's another 15 minutes.

We're going to move on to the -- actually we'll talk about the TRT's. There's five items there. And then we're going to talk about the renewable energy update. That's going to be another 15 minutes. The public comments we're going to open up for that. Then we're going to talk about the west Mojave court ruling then take public comments for that. We've got an Abandoned Mines Program update, 15 minutes, American Recovery and Reinvestment Act -- that will be at three -- another 15 minutes. Public comments on the AML and ARRA, and then we'll wrap it up.

So what I'm going to ask is that for those speakers to come up, if you can really be precise and try to wrap up your presentation, you know, those 15-minute presentations in ten if you can, and then we will be very specific with questions to you, we can move this program along. I know it's hard to do, but if you could work with us on that, that would be great.

So is there any other comments from the DAC before we get rolling here? Are you okay, Randy?

Okay. We're all good, then. Why don't we start off and finish up with Don Maruska and make sure that everybody has their questions answered.

MR. MARUSKA: Any questions?

ACTING CHAIR ACUNA: The thing that I heard was that there's a fine line between advice and direction and that, with regards to financial matters, there's a leaning towards priority and guidance, maybe not specifically BLM, you spend this here, and this is how you should do it. I think that's kind of the way we concluded that, and there's no direct, specific here's how to do it, but those are guidelines in your handbook?

MR. MARUSKA: Sure. And you know, if the DAC or one of its subgroups has suggestions about, here are some options that you'd recommend that BLM consider as ways of accomplishing those objectives, there's a lot of expertise that you have, and those subgroups have of things you might be aware of that could be useful.

ACTING CHAIR ACUNA: I think as we move forward, it's how we deliver the message in the format to the BLM. It could be constructive, and, Dick, I think what I'm trying to achieve is providing you an opportunity to --



<p>COUNCIL MEMBER HOLLIDAY: Why are you picking on me?</p> <p>ACTING CHAIR ACUNA: Oh, I don't know. Somebody around here did a lottery, so that's where I was going with that.</p> <p>MS. GROSSGLASS: It's better than picking on me.</p> <p>COUNCIL MEMBER HOLLIDAY: You're too easy.</p> <p>ACTING CHAIR ACUNA: I hope it's not seen as picking on you. I admire what you're doing. That's it, John. Thank you very much.</p> <p>MR. MARUSKA: You're most welcome. If you wish, I can stay to be available when you're discussing your particular motions about subgroups.</p> <p>Or if you just want to continue without me, I'll catch an earlier flight, whichever you wish. But if you'd like me to be available for that, I would remain.</p> <p>STATE DIRECTOR BORCHARD: Your help has been so beneficial up to this point. I feel like we're closing in on the task at hand. You encouraged me to keep going. I would like to have you here to help close this out, bring closure and be done.</p> <p>MR. MARUSKA: I'd be happy to do that.</p> <p>COUNCIL MEMBER SHUMWAY: Mr. Chairman, I have a comment and a question. I'll make it quick.</p> <p>One of the recommendations was to move to retire the term TRT.</p>	<p>flexibility in your agenda to accommodate my travel.</p> <p>I was going to start off on updating you on a couple things we're doing. In response to Governor Schwarzenegger's executive order from November, 2008, we are working on a two-pronged approach to help promote both state and federal policies to speed up the siting of renewable energy throughout the state and also in the desert, particularly in the desert.</p> <p>This two-pronged approach that we were directed to develop includes coordinated permit process among the four agencies with primary permitting responsibilities, state and federal agencies with primary permitting responsibilities over the renewable energy projects. And those included Department of Fish and Game and California Energy Commission on the state side, BLM and the U.S. Fish and Wildlife Service on the federal side.</p> <p>So one prong of this is an expedited regulatory approach for coordinating and permitting, secondly calling for an executive order of development of a Desert Renewable Energy Conservation Plan. The idea behind that planning effort is to use California's Natural Community Conservation Planning Act and permitting process to develop a permit that will site -- that will allow quick siting of those facilities out into the future.</p> <p>As called for in an executive order we've</p>
<p>I wonder if that's something that's actionable today. If so, maybe we should move forward and get rid of it and move forward with subgroups.</p> <p>ACTING CHAIR ACUNA: I thought the word was already dead.</p> <p>MR. MARUSKA: Well, it is, but I think maybe what you're referring to is you still have entities out there with that name hanging on them thing. I think some were inactive, like Ivanpah and others called TRT's. And yes, for those to go forward and function, you really need to either retire them, and I think there's suggestions here to retire several.</p> <p>STATE DIRECTOR BORCHARD: That's an agenda item coming up.</p> <p>COUNCIL MEMBER SHUMWAY: Thanks.</p> <p>ACTING CHAIR ACUNA: I think we're ready for the next topic. That would be the California Department of Fish and Game. If you would please state your name.</p> <p>MR. FLINT: Good afternoon. I'm Scott Flint with the California Department of Fish and Game. I am the state's renewable energy coordinator out of the Sacramento headquarter's office. I want to thank the council for taking the time to put that item on the agenda to let us update you on the governor's executive order and the Desert Renewable Energy Conservation Plan. And also thank you for maintaining</p>	<p>established a renewable energy action team comprised of the four agencies that I mentioned before. It's been up and functioning since December of 2008, and those four agencies I mentioned have complicated and varying permitting scenarios over various energy projects depending on whether they're on public or private land, whether they're large and small and whether they're wind or solar based on the different jurisdictions of the different agencies involved.</p> <p>Again the function of this team is to coordinate those processes and speed those up. So we've established joint permitting processes both between BLM and CEC that run documents through NEPA and CEQA at the same time and do joint documents there. We've devised a process whereby the SGE gives us comments and participates in permitting projects under CEC's jurisdiction jointly and through the CEC process.</p> <p>For projects outside of the BLM's jurisdiction or CEC's jurisdiction, California Energy Commission, the department and the service is working closely with counties to ensure CEQA coordination and permitting coordination between the state and federal wildlife agencies for those types of projects.</p> <p>For the Desert Renewable Energy Conservation Plan, the intent of that is to provide a broad permitting framework for future renewable energy development. That will be done through a series of steps, of which we are</p>

going several of those now.

Firstly the way that planning effort works is it would be used to identify renewable energy development areas in the desert. It would also be used to identify multi-species habitat conservation in the desert that can be achieved both through mitigation from those projects as they are constructed and secondly state and federal contributions to the long-term conservation of those species that will be affected by those projects and permitted for take as those projects move forward.

At the end of the planning process the framework laid out in the Desert Renewable Energy Conservation Plan would serve as the biological basis and portions of the environmental analyses for the four permitting agencies under their current existing law and scenario, so the biological basis and biological analysis laid out in the plan would serve for 2081 permitting for the Department of Fish and Game and also for Section 7, Section 10 consultation for the service on those projects.

Up until now this has been primarily an agency-driven process, and the idea is to start bringing products forward into the public for public review and input as we are moving into the full planning process next year. So what we have worked on to date, a BMP manual that's been out for public review. The agencies have received comments on

that manual and are currently working on revise it, reissue that for another round of public review in early January.

Secondly the four agencies on the REAT, renewable energy action team, have written a planning agreement, which is one of the steps required under the National Community Conservation Planning Act to describe how the planning process will move forward. That planning agreement has been out for public review. The review period just closed, and we received comments. We are reviewing and considering how to respond to those comments and to amend the planning agreement, which will again be put out for public review probably in late January.

The executive order. And this process calls for another product, an interim conservation strategy, as it's called in the governor executive order. It would identify renewable energy areas and identify conservation opportunity areas within the planning area, and that would include putting out a set of maps that would identify those areas in a general way for public review. That product was due out at the end of December. It will probably be delayed somewhat into the new year.

The interim conservation strategy was designed to kick off the full NCCP planning process for this planning area. When that rolls out, it would be the starting point for a year-long planning process to go through the end of 2010, where we would have multiple public workshops, accept input at

multiple junctures in the process, have formal workshops with the energy commission on the planning process, develop the implementation portions of that process and have a full draft plan that would be out for public review by the end of 2010.

Yet another feature of the National Community Conservation Planning Act is an independent science panel review, so that would also take place next year, and that input would come into the agencies and be reflected in draft plans that go out for public review next year.

So the overall schedule we are looking at is the full planning process in 2010 with the public review and workshops, a draft plan at the end of 2010. Early January, this interim conservation strategy, we kick that off, then deadlines following that. The plan will need both NEPA and CEQA review, and that will kick off for 2011.

We're scheduling a yearlong process for NEPA-CEQA review, so that full process and public comment, and then based on those schedules right now the plan is to have the NCCP permitted by June of 2012. So that would be available at that time to cover projects from that point forward. For instance, it will take with any identified renewable energy zones in that planning effort.

ACTING CHAIR ACUNA: Thank you, Scott. We really appreciate you coming down all the way from Sacramento to make this presentation, and as we go into

comment about this, I'd just like to remind everybody, this is kind of an exciting plan that's being prepared. Two things going on right now. You got energy projects going and being permitted on their own right now throughout California.

What Scott is doing here, what the state is doing is, they're trying to create a large plan with a perfect world in it, and the perfect world is that you have these energy zones identified connected to transmission corridors, and then the impacts to endangered species that are both under the state and federal level would be managed under this plan.

So if you're a developer and you move into one of these areas and you're going to have impact to endangered species, you buy into the plan, you buy into the mitigation. You follow through with that, and then in theory your project will get streamlined permitting by following this plan that we're producing.

Yes, Richard?

COUNCIL MEMBER HOLLIDAY: I don't really look at this as a really exciting program. I look at this as a devastating program for recreation. I would think that they should put a -- we've sent a letter to them to ask that a recreation component be put into this plan. We have a renewable energy component zone. We have a conservation zone, but we don't have anything for people.

And so what we're looking at here is, we need to

have some input from the recreation areas that say, you know, well, some of these areas need to be protected for recreation, maybe for mining, maybe for other things instead of locking all these areas up. I don't really look at it as an exciting thing. I look at it as a devastating thing.

ACTING CHAIR ACUNA: Meg?

COUNCIL MEMBER GROSSGLASS: I have a couple of questions for you, sir, and thank you very much for taking your time to get here. How will this plan fit into the solar PEIS, the president's and possibly the Feinstein legislation? It seems like there are many planning processes going on at once.

MR. FLINT: There is a lot going on. Some of it is happening within the timeframe of this plan, and those things that do happen within the timeframe of the plan will be folded and molded to work within the plan. Those things that may happen later we will have to consider how we might amend the plan if necessary. But specifically part of the inputs to the planning process in identifying renewable energy zones are the result from the process. We're working closely with the CEC to incorporate the results of the rating process.

What we're doing with this plan right now is taking the biological analysis a little farther, as Randy actually looked at it, and doing that full analysis again using rating

as a component. You'll see it show up in the plan.

Secondly the solar PEIS, the state, both the Department of Fish and Game and the Energy Commission are cooperators on that planning effort. We're working closely to integrate and align those two efforts, the solar PEIS with the Desert Renewable Energy Conservation Planning effort. So for instance the BMP's that you see showing up in the BMP manual that's up for draft will be similar or the same as BMP's showing up in the solar PEIS to the levels that are appropriate.

And secondly again in the development zones that we're considering in this plan to put out in the draft strategy, we've taken into account BLM's and are including BLM's solar energy study areas to those areas also so they're congruent.

COUNCIL MEMBER GROSSGLASS: Okay. So your planning process, if you get done with your planning process, then you will amend yours, and then the solar guys will have to amend their document?

MR. FLINT: No. Those things are moving on separate schedules, but we're signed up to work together as a team. As we go forward and those different processes take shape going forward, we'll continue to figure out how to best fit them together.

COUNCIL MEMBER GROSSGLASS: Will the solar PEIS

for California or for the six states -- will that include an interim conservation plan also, or will only the Desert Renewable Energy Conservation Plan consider it?

MR. FLINT: That's a feature of the Desert Renewable Energy Conservation Plan in California.

COUNCIL MEMBER GROSSGLASS: Okay. I guess now I just have a comment. I think this plan is a great idea. I think that we need to conserve our natural resources. We definitely need to have renewable energy. There's no doubt about that.

That's obviously been a priority from our administration, but as it is, I think it does a great disservice to the rest of the public that happens to recreate in different areas. At some point it does a disservice to the conservation community.

In the southern five counties we have 500,000 registered off-highway vehicles. These people aren't going to sell their vehicles, so every time a piece of land is available to them, even if it's in limited-use areas where a lot of these energy projects are sited, every time you guys take more of that land off the table, that many people don't go out and sell OHV's. They're going to go use it.

That, I think, is remiss on whoever started this plan. I don't mean to blame anyone, but somebody needs to stand up and say we need a comprehensive recreation plan for the California desert. There's no way around it. You're

going to hurt locals that live off of the income when we go to these places. You're going to hurt the people that sell the bikes, sell the trailers, sell the trucks and that kind of thing.

And then in the end I think you're going to hurt the natural resources, too, because people are going to use these vehicles. If you don't manage it and give them the proper place to do it, then they're going to use them. That's not how I would choose to do it. But I would strongly recommend that you guys include a recreation element in this.

ACTING CHAIR ACUNA: I would like to add something to what you're saying, Meg, to that, and that is this -- and this is a question to you, Scott. There are opportunities to comment on these plans and, that's at the scoping public hearings. There are some additional opportunities to comment on that.

And I think a fair question for Scott is, are you evaluating the impact to the recreational users and other secondary users of the areas that these areas will be closed off to all other uses for the purposes of renewable energy?

MR. FLINT: The --

ACTING CHAIR ACUNA: Would you like to add something there?

COUNCIL MEMBER GROSSGLASS: No. After him I have a comment.

<p>MR. FLINT: So just to clear this up, there will be formal points in the process to comment. I recommend and encourage folks don't wait for those. We'll accept comment and input at any point in this process. So we welcome those suggestions and that kind of input. We'd be happy to work with you on that.</p> <p>Secondly the department does have responsibilities for recreation also, and conservation lands identified by the department are also looked at for hunting and fishing recreational opportunities, so those types of things will be factored into what we'll be doing. We have no responsibility for OHV, so we welcome the participation of that sector in the development of a plan.</p> <p>So yes. Short answer, yes. And the whole purpose of the NCCP process is to bring all the folks to the table to discuss these sorts of issues. There are opportunities. It's a multi-species, multi-habitat, multi-use type of plan.</p> <p>ACTING CHAIR ACUNA: So that's the warning for everyone here in this room and at this council is that, if you have peers, constituents that would be affected by these plans, the idea and suggestion here is to work with Scott. Go to the web page. Find out what's being affected. Then articulate what it is you think should be added.</p> <p>Comments? Yes, Dinah?</p> <p>COUNCIL MEMBER SHUMWAY: Well, you mentioned</p>	<p>that that manages it, but in general it's taken out of the use of the public except for wilderness-type activities or hiking. Usually there's no roads, absolutely no mineral development or exploration and certainly no off-road-vehicle recreation.</p> <p>So when we're talking about mitigation of these properties, we're talking not only the 600 acres of the project, but we're talking maybe 1200 acres or more of the project being taken out of these lands, and that's the practical application of all of that.</p> <p>ACTING CHAIR ACUNA: May I, and then James. Meg?</p> <p>COUNCIL MEMBER GROSSGLASS: I'm a little bit cynical because I've been sitting here for a few years, not just here. And there, we say. It's always said that the impacts of recreation have to be mitigated or compensated for, or they say we take that into consideration. I've never, since I've been around, seen the impacts of OHV recreation mitigated or compensated for, and I am very active in sending in scoping comments.</p> <p>And I'd like to give you this now. They're our scoping comments, the organization I work for, which requests recreation mitigation, recreation elements, all that good stuff.</p> <p>MR. FLINT: Thank you.</p> <p>ACTING CHAIR ACUNA: Thank you. That's good</p>
<p>that you're also looking at mitigations, and in my industry we've kind of been waiting for the streamlining to happen with the West Mojave Plan.</p> <p>We're waiting for mitigations, developing certain areas. It never happened, so I'm a little skeptical that this process will actually happen also.</p> <p>But my comment is about the realities and the pragmatism that has to do with mitigating these properties. Let's say you have a 400- or 600-acre project. Well, that's a hundred percent development, so there's going to be some amount of that -- maybe a hundred percent -- that will need to be mitigated, so there's going to have to be other lands that serve that habitat that are going to have to be found.</p> <p>In the past in my industry, which is a small percentage of what these projects are going to take up, you might have 50 or a hundred acres tops, and maybe only half of that will be developed, and there's going to be some kind of factor. It will be one time, two times, three times, whatever is negotiated between the habitat, people and the mining industry.</p> <p>In this case they're going to find mitigation land if they can find it. It has to be private land, so you have to find private land if it can be found. You have to buy that land, and usually it's deeded over to the federal government or to some agency like nature conservation or something like</p>	<p>timing. All right. James.</p> <p>MR. FITZPATRICK: Scott, I'm not as up to speed as my colleagues. Somehow I've missed the four agencies. Can you reiterate those for me.</p> <p>MR. FLINT: Yeah. The four agencies that are currently participating as Renewable Action Team are the U.S. Fish and Wildlife Service, Bureau of Land Management on the federal side and on the state side the California Energy Commission and the Department of Fish and Game, California Department of Fish and Game.</p> <p>MR. FITZPATRICK: I thought so. I never heard you mention Fish and Wildlife. My second and dumb question is, what is the EEO number?</p> <p>MR. FLINT: I believe it's -- I forgot.</p> <p>MR. FITZPATRICK: Is it on your website?</p> <p>MR. FLINT: We have links on the website. I think it's 1208.</p> <p>MR. FITZPATRICK: It's on your website?</p> <p>MR. FLINT: Yes, it is.</p> <p>COUNCIL MEMBER FITZPATRICK: Thank you.</p> <p>ACTING CHAIR ACUNA: Any more comments? Yes, Lloyd.</p> <p>MR. GUNN: Scott, who would be the personnel in this area, I guess? Would it be Fish and Game personnel to check with on the progress of the biological analysis of these</p>

<p>areas where there is applications?</p> <p>MR. FLINT: The local staff for the desert area in our Region 4 office out of Fresno, Julie Vance and Dave Hacker for eastern Kern County, primarily, and then down here in the desert proper, Kim Nichol out of our Region 6 office. And he's in Bishop, and Kim is in Bermuda Dunes. Those are the local folks, and they have folks working for them in the field who would be most helpful locally.</p> <p>ACTING CHAIR ACUNA: Okay, Brad.</p> <p>MR. MITZEFELT: Thank you. I've been frustrated for years over the Fish and Game department's -- I don't know if it's lack of interest or lack of support for the West Mojave Plan or particularly the West Mojave Plan because if it could accomplish, you know, a lot of what this is meant to do, it would. It had that potential.</p> <p>The problem with this policy is, it's being done to benefit one industry over presumably the concerns of others. And so there's a value judgment taking place there that these are more important projects than anything else.</p> <p>Now, I might call your attention to -- I don't remember what part of the executive order. I'm sure you're more familiar with it, and it refers to streamlining benefits for other types of projects. If this affords that, then so be it.</p> <p>I think it's kind of permissive in that way, so is</p>	<p>know exactly how to do it -- but in working with San Bernardino and the coalition to use and bring in parts of the West Mojave planning effort to this process.</p> <p>COUNCIL MEMBER MITZEFELT: I'll follow up with you on some of that, then. Thank you.</p> <p>ACTING CHAIR ACUNA: Okay. So I want to keep things moving on time. I think this topic, we could spend a lot more time talking about it. I certainly would like to come back to it at some point, but I think in interest of moving ahead, unless there's some other key questions that we need to ask, maybe we'll go to the next topic. You okay with that, everybody?</p> <p>All right. Scott, thank you, again for coming down and explaining this important project.</p> <p>MR. FLINT: Thank you, and we're certainly available to meet with folks in whatever venue.</p> <p>MR. STEWART: Tom, do you have a public comment on this?</p> <p>ACTING CHAIR ACUNA: I heard it had to be on the agenda.</p> <p>COUNCIL MEMBER GROSSGLASS: Had to be bold on the agenda.</p> <p>MR. BANIS: There is a public comment on renewable energy scheduled shortly. Perhaps that might fit in.</p>
<p>there an intent to allow this planning process to benefit other uses in other types of independent industries that might want to do other types of projects in these same areas?</p> <p>MR. FLINT: We are certainly interested in two things. Just to be fully honest with you, we're trying to balance the ambitious timeline out in the governor's executive orders for us with trying to do the best planning for you in the desert. We had roughly two years to do this process, so we have made a decision that to get through that, we have to focus on energy projects.</p> <p>Saying that, that's on the development side. After saying that, our intent on the conservation side is to lay out a broader framework for conservation that other types of -- that it wouldn't be -- the conservation and mitigation and long-term conservation opportunities just would not just be there; the plan would work for more than just renewable energy projects. So that's kind of a bifurcated intent to do that.</p> <p>Having said that, we really -- you know, we don't know exactly how to get the counties into this process, and we're still struggling with that. So we welcome -- we did an outreach to the counties over the summer with all of the affected counties and some of their staff, certainly not all the supervisors and all the staff in the various counties. So we would still welcome dialogue on bringing that in.</p> <p>We're also certainly interested -- and again don't</p>	<p>ACTING CHAIR ACUNA: Moving on to the next topic here. Yes?</p> <p>MR. BRIERY: It is on the agenda for public comment.</p> <p>COUNCIL MEMBER GROSSGLASS: He's saying it's lower on the agenda.</p> <p>MR. BANIS: It's in both places, Tom.</p> <p>ACTING CHAIR ACUNA: So we have public comment, then. That's what we're saying. All right. Okay, John, you're back on. Okay. Good.</p> <p>MR. STEWART: Good afternoon, commission, John Stewart, California Association of 4-Wheel Drive Clubs. Listening to that presentation, it seems to me that there is now becoming or getting to be a plan to make a plan to implement a plan that has already been done but is under litigation, so it's very convoluted and is building layer upon layer.</p> <p>But in here I want to make sure there are some definitions that are clear. OHV recreation is not just about the OHV areas and the impact on the OHV areas. OHV recreation, off-highway vehicle, according to the accepted BLM and Forest Service definition, this is any vehicle capable of driving off of a paved or gravel road. Something that needs four-wheel drive high clearance is not necessarily just an unlicensed street vehicle.</p>



I'd like to make sure that the Department of Fish and Game is aware that, when they do start looking at definitions and impact on recreation, it is not just the designated OHV areas that are at risk; it is a multitude of recreation activities that go on out in the desert areas that use four-wheel drive or another high-clearance vehicle in order to go out rockhounding, in order to go out viewing wild flowers, go out hunting or just go out touring the area.

So it's very important that this concept of what the definition of recreation is be looked at in its broad scope and not just the narrow scope of OHV, what everybody -- you know, the common belief is dirt bikes and ATV's. No. It is the broad scope. It is an overall recreation that is not taking place on a paved road or a gravel road.

ACTING CHAIR ACUNA: Thank you, John. Do we have any other comments from the public? Okay. Then I deem this portion closed. Now we can move on to the next item. This would be the BLM report on Rands and El Paso planning process by Al Stein.

MR. STEIN: Al Stein, California Desert District, BLM. Yes, the Rand -- the Rand Mountain area, ACEC area, has been subject to a lot of controversy over many years. First the Rand Mountain Plan was first prepared approximately 1983, and for those of you who aren't aware of it, about 85 percent of the routes that existed at that point

in time were then closed to motorized vehicles.

Subsequently we completed the West Mojave Plan, the WEMO Plan, and since then the area has been subjected to an interim closure. The Ridgecrest Field Office and Hector has a good summary of where we are right now on that recreation and education permit program. There have been about 14,000 permits issued since November of last year. Right now we made a decision to open two additional routes out there and to lift the interim closure that's been imposed on the area.

That decision has been appealed to the Interior Board of Land Appeals, the IBLA, and we're in the very early stages of providing various statements to the board both from BLM and from the plaintiffs.

So depending on what comes of that appeal, there will be changes going on out there. The plans are, if we're successful in the appeal, to move to Phase 2 of the permit program.

One of the charges that has been rendered against BLM has been that the permit is a free permit, which it's been during Phase 1. During Phase 2 of the project there will be a fee for that permit. Some of the concerns with the permit program were that the plaintiffs didn't really view the permit program as we're implementing it currently the same way that we did.

So those are some things that we expect to be

resolved through the appeals process. And it may come out in BLM's favor or against BLM, or it may be remanded to BLM for reconsideration. So that's kind of at the very early stages of that.

ACTING CHAIR ACUNA: Who is bringing the appeal?

MR. STEIN: The Center For Biological Diversity and others, as typically against many of the actions we take relevant to off-highway vehicle management.

ACTING CHAIR ACUNA: So the BLM's proposed action was to open up additional routes through these areas?

MR. STEIN: Yes, and lift the interim closure and to proceed to Phase 2 of the management program and education program. There's a lot of education included in that, as well, as well as providing the maps to make sure the public knows which routes are opened and closed and what the rules are for the area.

ACTING CHAIR ACUNA: Okay. Another attempt for more recreation held up. Do we have any comments from the group on this item?

COUNCIL MEMBER BANIS: Thank you. Just simply to point out that this was one issue that did have the benefit of a TRT at that time to provide some means of public input and public guidance to the Ridgecrest field office in developing that Phase 1.

And I believe that was a successful partnership, which is why

it's on the agenda to perhaps continue that partnership into the future for the future phase.

MR. STEIN: I guess our point in this update is to say we're currently under appeal and really unable to make any changes in that until we get the results of that appeals process.

ACTING CHAIR ACUNA: Okay. I think, then, that's it; is that right, Al?

MR. STEIN: Well, there's the second part of this is dealing with the El Paso's collaborative planning process.

ACTING CHAIR ACUNA: Okay. Let's go there.

MR. STEIN: Essentially where that is now, that's in what we kind of like to call also Phase 1 of the process, which is inventory and data gathering. We've gotten a grant from the state Off-Highway Vehicle Commission to assist us in terms of gathering a good route inventory. We're working with our cadastral surveyors at the state office to help get good information and good inventory on the routes.

We're not really into the collaborative planning process yet until we complete that inventory and really have something to work with. And that's where we're moving toward at this point.

ACTING CHAIR ACUNA: Comments? James.

<p>MR. FITZPATRICK: Forgive my ignorance. Where is the El Paso area you're talking about?</p> <p>MR. STEIN: It's also up in the Ridgecrest area near the Rands area.</p> <p>MR. FITZPATRICK: Near Rands? Okay. Thank you.</p> <p>ACTING CHAIR ACUNA: Anyone else? Okay. So then does that conclude the update on the El Paso?</p> <p>MR. STEIN: Yes, it does.</p> <p>ACTING CHAIR ACUNA: And then we're good with Rands. Rand is in appeal, and El Paso you're collecting additional data so that you can move ahead with the action.</p> <p>MR. STEIN: Assist with the collaborative planning for route designation and complete the route designation process, yes.</p> <p>ACTING CHAIR ACUNA: Does that mean you're collecting biological data along those routes?</p> <p>MR. STEIN: No. It's inventory data of the routes. Anything that takes place beyond that in terms of biological data and other data, soils data and information like that, will take place throughout the process, and the route designations process will be an open public process with an environmental documents, the EIA and the EIS, to complete the route designation, and that will be the point that we will be gathering data beyond routes.</p> <p>ACTING CHAIR ACUNA: Understood. James?</p>	<p>convert the existing Rands technical review team into a subgroup and to expand that mission to provide assistance with the El Paso Collaborative Access Planning Area project that AI just described.</p> <p>A second suggestion was a renewable energy subgroup. A third suggestion was a subgroup for the El Mirage OHV open area. The fourth and fifth suggestions were to retire existing TRT's whose missions may have come to an end either because the issue has been resolved or in one case may never be resolved.</p> <p>Given that brief background, might I have the privilege of amending my motion as it pertains to Part No. 1. Given the presentation by AI and the fact that we're only in the inventory data collections phase, perhaps we should look at an El Paso Collaborative Access Planning Area subgroup in the future when this process actually -- when the planning process actually starts.</p> <p>COUNCIL MEMBER SCHRIENER: Real quick question. When I read the minutes, there were actually six from last time discussed. The sixth was to let friends group remain and allow them to come to DAC meetings and support their accomplishments. So on this we only show five, but on the minutes we have six. Was there a reason one was dropped?</p> <p>STATE DIRECTOR BORCHARD: I believe that report is in error.</p>
<p>COUNCIL MEMBER FITZPATRICK: Once again, so I understand, to whom is the appeal made?</p> <p>MR. STEIN: The Department of Interior has an internal appeals process which is outside of BLM, so it's an independent appeals board within the Department of Interior that handles all decisions for interior agencies.</p> <p>MR. FITZPATRICK: Thank you.</p> <p>ACTING CHAIR ACUNA: Okay. Thank you, AI. I appreciate that update.</p> <p>Next item this is the resumption of discussions and actions concerning the tabled bipartisan motion from our last meeting, and I'm going to ask Randy Banis to assist me on this.</p> <p>All I can say is this, is that when you have five key thoughts, it's hard to sometimes bring positive consensus on all five. So one of the ideas is to go through and say, which are the ones that we all agree on and say so and be done with it. The ones that we don't agree on then we have the discussion more closely, and so I'll turn this over to you, Randy, and you can articulate this, please.</p> <p>COUNCIL MEMBER BANIS: Thank you. Procedurally I support this, your description, 100 percent. This motion was made at the previous meeting by myself and seconded by Don Mabin, who was the predecessor to the elected official seat that Brad now holds. It was to convert the -- essentially</p>	<p>COUNCIL MEMBER SCHRIENER: Okay. Just making sure why there was inconsistencies between the two.</p> <p>MR. RAZO: Well, our court reporter last time reported it as five. She had a special motion that I have in the box over there, and she broke it out as a five-part motion, and so I followed that.</p> <p>And that's all I can say.</p> <p>STATE DIRECTOR BORCHARD: I think when Dave and I were going over the notes, we decided that that kind of sub report when we compared it to the minutes was not quite right.</p> <p>COUNCIL MEMBER SCHRIENER: Okay. Just checking.</p> <p>ACTING CHAIR ACUNA: Thank you, Alexander.</p> <p>COUNCIL MEMBER BANIS: So again I would ask to amend that motion just so that No. 1 will remain only examining the issue of the Rands permit program. I however suffer from not having the seconder of the motion present to second that change. So perhaps the right thing to do would be to quickly ask for a consent on that amendment.</p> <p>ACTING CHAIR ACUNA: Let me play this back so everybody understands Item No. 1 in bold, the Rands technical review team, TRT, the idea is to form a TRT -- not a TRT, a subgroup. That's right, subgroup?</p> <p>COUNCIL MEMBER BANIS: Yes.</p> <p>ACTING CHAIR ACUNA: If we do that, we're going to have to select a DAC member. A DAC member will have to be</p>

part of that group, and then they'll have to form a group of people to assist long-term with BLM on this. Is that the way that works?

COUNCIL MEMBER BANIS: Yes. Let me say that the first step is to establish the subgroup. I'd worry about the second step as to who's going to serve on it and nominations, solicitations, whatever -- I'd rather discuss that, if indeed this passes, because it may not.

ACTING CHAIR ACUNA: All right.

COUNCIL MEMBER SHUMWAY: I have a comment or maybe a question, too. I thought that you were heading towards the recommendation to postpone the formation of a subgroup until the litigation is determined.

COUNCIL MEMBER BANIS: My recommendation is to essentially -- I'm sorry -- my amendment is to drop in No. 1, "and assist El Paso Collaborative Access Planning Group," simply that. Simply strike "and assist El Paso Collaborative Access Planning Area." And again this is an amendment I'm putting forward, and the most efficient way would be to seek consent on that amendment.

ACTING CHAIR ACUNA: Just so I can be clear, can you read what No. 1 would read in its entirety.

COUNCIL MEMBER BANIS: "No. 1, that the Rands technical review team remain as a subgroup."

ACTING CHAIR ACUNA: Okay. All right.

So that seems pretty clear. Does anybody disagree with that? Yes, April?

MS. SALL: Could the district manager just list the existing subgroups that are in existence at this point before we vote on others just to make sure we have the same list.

STATE DIRECTOR BORCHARD: Existing subgroups, or TRT's and subgroups?

COUNCIL MEMBER SALL: Let's go with subgroups.

STATE DIRECTOR BORCHARD: Okay. ISDRA, Dumont, and that's it. The rest of them are known as TRT's. Now, do you want to hear that list, or would that confuse you? I'm not trying to --

COUNCIL MEMBER SALL: I think that will cover for the ones we have to vote on.

COUNCIL MEMBER SCHRIENER: I have a question. If the Rands area is going through an IBLA process which -- I've been involved in groups who have done that, those can be glacial in their progress.

What purpose would a Rands subgroup serve if it's going through this IBLA process, which basically grinds everything to a halt until it's resolved? What action could you take other than being someplace to commiserate? Question.

COUNCIL MEMBER HOLLIDAY: I tend to agree with Alexander. I think that this would probably be something to

put on the back burner. It doesn't seem like to go through the effort of generating a subgroup and picking people and having meetings and everything when you're in an administrative -- you're under appeal and nothing is really going to happen until that appeal is settled. So it seems like once that appeal is settled or it looks like it's going to be closed, then we could look at generating this group. Sorry, Randy.

COUNCIL MEMBER BANIS: Not at all. If I may, if I were to answer the question in defense of this motion, it would be that I believe there's still room and necessity to develop an education program. Regardless, I believe that the disposition of this action, there is going to have to be a stronger educational component to this program. And that was already sort of slated for a Phase 2.

And in the event that the field office decides that it would like to move forward with this stronger education program, I would think it would be a role for the subgroup. However, if the field office is not going to move forward, then there is no need for this subgroup at this time.

ACTING CHAIR ACUNA: Okay. Meg, please.

COUNCIL MEMBER GROSSGLASS: Actually I wanted to put Hector on the spot and ask him opinion. It is his area. Is that awful, Hector? He's not getting up.

MR. VILLALOBOS: It's not awful.

COUNCIL MEMBER GROSSGLASS: Your opinion should matter at some point whether you think there are duties that this subgroup can do instead of having all board motions stop, you know. So do you think it's going to be effective, yes or no, Hector? I'd like to get your input on it.

COUNCIL MEMBER SHUMWAY: But you only get two minutes.

ACTING CHAIR ACUNA: It looks like Al has something also to say. Maybe you could join Hector.

MR. VILLALOBOS: Well, let me say one thing for sure, is that this is about education. We've handed out about 14,000 permits, the maps with the trails with some information on the back of that map that tells people why we want them to stay on trails, why we want to achieve a higher level of compliance in this area. If we're not meeting that requirement, we may have to close it again. I think it's important to continue to develop this education program as it was spelled out in WEMO, and I want to comply with WEMO. Basically that's why I'm wanting to go forward with this and continue that process and to improve on that education program that we got started under Phase 1 right now.

COUNCIL MEMBER GROSSGLASS: You're saying it would be helpful for you to have this in place?

MR. VILLALOBOS: Yes.

<p>COUNCIL MEMBER GROSSGLASS: We appreciate your honesty. Thank you. Sorry for putting on you the spot.</p> <p>MR. STEIN: Before the DAC votes and has further discussion on this, I feel I need to jump in with the next agenda item I was charged with speaking to, and that's the lawsuit on the West Mojave because it definitely has implications for what's going on or what can go on in the Rands and the El Paso both.</p> <p>As many of you may know, Judge Illston came out with an order relating to the lawsuit on the West Mojave Plan. BLM and Fish and Wildlife Service were sued on implementation of the West Mojave Plan on a number of counts, and the order that came from Judge Illston -- I'll try and summarize very briefly and probably too briefly -- but supported BLM and the Fish and Wildlife Service on endangered species issues but did find some real concerns over other aspects of West Mojave Plan that mostly focused on route designation.</p> <p>Some of the findings in that decision essentially said that she found fault with the way we used or did not use the minimization criteria in our recreation regulations for route designation for determining which routes should be open and which routes should be closed. Briefly those regulations state that we will try and minimize impacts to a variety of resources.</p> <p>Judge Illston also found some fault with the range</p>	<p>involvement in the route designations, the process; is that right, or did I get that wrong?</p> <p>MR. STEIN: It certainly would. A collaborative planning process would also bring greater public involvement. There's our intent. The education program, that's part of implementing any route designation decisions that we make. We have to have a good education program in terms of making sure the public knows what the rules are.</p> <p>ACTING CHAIR ACUNA: Alexander?</p> <p>COUNCIL MEMBER SCHRIENER: I guess my only confusion still was not that a subgroup isn't an important thing if you had it going forward, but the fact is it appears that with the IBLA decision and what's going on in West Mojave is that the specific routes that you're going to be able to use, if any, in Rands are under question right now regardless of what you want to do.</p> <p>If those are under question, then how can an education process, which a significant part of it, as I understand, is identifying the routes, along with proper safety identify and other protocol -- what input would you have if a decision is not even made which route or routes would be open until that decision is made?</p> <p>MR. STEIN: Part of the process that we're going to be going through -- first of all the education program and the way the education program is structured really does not</p>
<p>of alternatives that we looked at. We're currently in settlement discussions with plaintiffs to see where we go from here in terms of responding to the judge, because that's our next charge, is for us to have to respond to the judge.</p> <p>What this means for the Rands and for the El Paso is that -- particularly for the Rands is that there are questions relative to the route designation process that BLM went through in the West Mojave Plan. So we need to consider how we're going to respond to the judge's order and how we're going to deal with the criticisms of the process.</p> <p>ACTING CHAIR ACUNA: So if I heard this -- and I'm going to take comments -- what you're saying is that what happened in the West Mojave Plan, it was a process that the courts found in error on the BLM's side? Maybe that's public comment; maybe that's participation from a subgroup.</p> <p>MR. STEIN: The Court found some fault in our compliance with our own regulations, and from a NEPA, a National Environmental Policy Act, standpoint with the range of alternatives for route designation that were considered in the West Mojave Plan, so those are issues that we need to address.</p> <p>ACTING CHAIR ACUNA: Okay. So the lesson here is that -- from what I'm hearing from Hector is that, having a formation of a subgroup would bring greater stakeholder</p>	<p>have anything to do with the route designation process or what routes are designated or not designated. That's really implementing what the route designation process comes up with. So the maps may be different; that's true. But developing a good education process is something that will help, whatever the decisions come out on those routes.</p> <p>ACTING CHAIR ACUNA: Randy?</p> <p>COUNCIL MEMBER BANIS: May I also add that, as I understand it, it is the position of the BLM that it is still moving forward with implementing WEMO. It hasn't completely stopped. And number two, those routes in the Rands are being used right now today despite the fact that there is an IBLA action.</p> <p>MR. STEIN: Let me clarify that. At this point we have made route designation decisions in the West Mojave Plan. We're in the process of going through settlement to decide how we're going to resolve the flaws in the process that the Court found with regard to route designation. Part of that process may involve some interim measures that will be taken between now and the time we go through whatever planning process -- public planning process we need to go through in the future to come up with a potentially different set of routes.</p> <p>But that's part of where we are is, for right now the routes that are were designated are designated and are</p>

going to continue to be used, but during the settlement process we may come up with something a little bit different. And we don't know what that is yet because we're still going through that confidential process. It does involve the plaintiffs. It does involve intervenors from the county, from the off-highway vehicle groups and, of course, BLM.

ACTING CHAIR ACUNA: Okay. We have to be careful here because we're blending two topics, it appears to me.

MR. STEIN: Right. But I wanted to have you understand where we are in the process relative to doing something about routes.

ACTING CHAIR ACUNA: Right, and I appreciate that, Al. That's fine. So I want to bring closure to this so that we can move on to the other points to this. And the point is that a lesson has been learned from West Mojave that subgroups are helpful. But that's a separate topic. You're going to work on Mojave. That's a different topic. What we're talking about here is forming a subgroup for the Rands area.

MR. STEIN: Right, but to assist you in that, I wanted you to know where we were and what implications the West Mojave lawsuit had, and then you can eliminate my next one.

ACTING CHAIR ACUNA: Okay. So what we could do

now, we can segregate what we've just talked about, this No. 1 item. If we were in a perfect world, all in agreement, all would say we like the subgroup idea and we could leave it at that and we could vote on that now, or we could continue having discussion on the other four items and wrap it up into one decision. Where would you like to go on this? Should we go to No. 2 and see how we do?

Don, yes?

MR. MARUSKA: I think this discussion really highlights an important point about how you deal with subgroups, so I wanted to take a moment to highlight some of the issues, I think, Alexander, that you're raising, as well as the ones Randy is raising. That is trying to make a distinction here on these subgroups in terms of what their role is.

Part of what you're hearing in the Rands situations is, you've got a planning process; you've got appeals and so on. That's a very formalized, legalistic process. It has its own dynamic. It has its own scoping. It has its own functioning it has to go through. And really it's probably best when you think about subgroups not to get subgroups involved in some other mechanism, you know, because then it's just layering and complicating.

But if there are ongoing issues about education, understanding of the public with regard to the resources,

input from users about concerns about the status of the resources and other things that could be helpful, the kinds of items that actually I included in that slide up there from what BLM was asking for is advice that in their mind would justify a subgroup for the Rands. That I think is a separate thing.

So I think it would be very useful -- in the future I would encourage you to not create a subgroup when the purpose of the subgroup is to be involved in a formal NEPA planning process. That's a layering. But if there's a purpose that's for providing education, a constituency and user input, public awareness, et cetera, that's a good purpose and an ongoing purpose for a subgroup, and you might really want to keep those different things separated.

And if you wish, you know, there was a template started for the Rands that you might consider if you wanted to consider going forward with a Rands subgroup.

ACTING CHAIR ACUNA: Okay. Thank you. And what I just heard was, maybe we don't want to jump to doing subgroup for this purpose on the Rands based on what you just said.

MR. MARUSKA: What I'm saying is the purpose of the subgroup wouldn't be to try to resolve the issues associated with the litigation or the formal planning process. The purpose of a subgroup would be educational. It would be

information exchanged. It would be, you know, the helping in the ongoing management of the Rands as it exists at the present time. I think that was what I had received from Hector and his team, is what he was looking for as advice areas of interest for a Rands subgroup.

ACTING CHAIR ACUNA: Okay. So it is supported, your comments. I heard that. I just received a note. Here's what we want to do. We will provide an opportunity for the public to provide comment on this before we do anything. So at this point why don't we go to Item 2. In fact which one is the easy one in this, Randy, on these?

COUNCIL MEMBER BANIS: Four and five.

ACTING CHAIR ACUNA: Let's try four and five.

The question is here is do we want to retain the Surprise Canyon TRT, and do we want to retire the Historic Cabins TRT?

COUNCIL MEMBER SHUMWAY: Do we need a motion?

ACTING CHAIR ACUNA: Well, it's already been from the previous meeting, and I believe we just need to seek some consent. If we avoid discussion, we can take consent and then focus our time on the other remaining ones.

COUNCIL MEMBER JOHNSON: My recollection from the last meeting is we all but agreed unanimously to clean these TRT's up that were seemingly not functional at this time. And gosh, I can't see there's need for lengthy discussion on cleaning those up when it was already decided at



the last meeting.

ACTING CHAIR ACUNA: So how do we want to move ahead, Randy?

COUNCIL MEMBER BANIS: Because we scheduled a public comment on this question, I suggest we save our vote on all of these five. We have to do that at the end of the public comments, so I think what we are kind of doing is deciding among ourselves which things we have consensus on, which things we need to argue about a little bit. Then we will need to take public comment before we cast a vote.

COUNCIL MEMBER GROSSGLASS: Five separate votes?

COUNCIL MEMBER BANIS: We just need public comment before we vote.

ACTING CHAIR ACUNA: Let's see how we do on Item 3. Hopefully we can get through this. Then we'll take public comment. Randy will summarize what the decision will be. Then we'll take a vote. Let's go to Item 3 that there be an El Mirage subgroup and have some discussion about that. If there are those who would support that, Meg?

COUNCIL MEMBER GROSSGLASS: Actually, just like I did with Hector, I want to know where Roxie would stand on the formation.

ACTING CHAIR ACUNA: I think it's a wise move.

COUNCIL MEMBER GROSSGLASS: Please, and I don't mean to put you on the spot. Sorry.

MS. TROST: Thank you, council. Roxie Trost, BLM field manager for Barstow. At the last meeting you asked me that same question, and after a rather awkward pause my response was that I wanted to be in compliance with the regulations. And I think the reason that this particular item is so hard is because we have an active and very valuable friends group at El Mirage. So with that in mind, I have gone through the straw man that is provided in Don Maruska's guide, which is the decision tree. So I will hand that out to you and just spend a moment going over that.

Now, as it's coming around, the first item was, is the area actively used and have many constituents? And the answer to that from Barstow's perspective was, yes, it does, which takes you to the arrow that points to the top, which is, is there an advisory role requested? And I answered that one yes, as well, because there are things that are done at El Mirage, including grants, projects. And I'm talking advice on projects, not actual implementation of projects on the ground and other functional things in El Mirage that identify it as "yes."

The next one, after I consulted with Don Maruska, was actually an incorrect answer. It should have been a no, that there is a FACA body in place, meaning the DAC. And so therefore there could be the possibility that a subgroup be formed from the DAC.

So my answer still remains yes, I want to be in compliance with the regulations.

I think it has a separate role from our friends group. Our friends group is very functional, very valuable to the operation of the El Mirage area, the visitor center, all operations. I think there are some other things that would benefit greatly by the implementation of a subgroup.

COUNCIL MEMBER GROSSGLASS: I appreciate that.

ACTING CHAIR ACUNA: Thank you for that feedback. Any discussion from the council on this? Okay. Then there's only one other item that we need to discuss, and that's No. 2, and that is that there be a renewable energy subgroup formed. Do we have any discussion on that? Meg?

COUNCIL MEMBER GROSSGLASS: I simply didn't see that as being necessary. That's one of those things that there are several -- there are already way too many planning processes going on with renewable energy, and they're NEPA processes, so I don't really think we need a subgroup for renewable energy. Just my humble opinion.

ACTING CHAIR ACUNA: That's fine.

COUNCIL MEMBER SHUMWAY: May I follow up?

ACTING CHAIR ACUNA: Please.

COUNCIL MEMBER SHUMWAY: I wasn't at the meeting where this was initially discussed, but this is the kind of thing that I think the formation of a subgroup would not only

have the advantage of all of our expertise, which is varied, but it would add another layer of expertise also, which may mimic some of what we already have here. So I think that probably the discussions that we have right now and the expertise that we get from additional presentations at our meetings is probably enough for right now. It's just too complicated.

ACTING CHAIR ACUNA: So you support?

COUNCIL MEMBER SHUMWAY: No. I think that we do not need an energy subgroup.

ACTING CHAIR ACUNA: Okay.

COUNCIL MEMBER JOHNSTON: Tom, I would concur. I think it would be a redundancy of what we're already getting, input from public, from vendors and from the BLM.

ACTING CHAIR ACUNA: Okay.

COUNCIL MEMBER SCHRIENER: As a member of the renewable energy industry, it seems like you'd have to have something that's specific so if you had a renewable energy project in a specific area that you wanted to have a subgroup for -- but just to broadly say renewable energy -- whether it be solar, geothermal, wind, whatever you want to use -- is overly broad, covering a huge area. It's almost an amoeba to try to get your arms around. It seems like it would be almost a dysfunctional group from the start.

ACTING CHAIR ACUNA: Very good. Any other

comment on that? Go ahead.

COUNCIL MEMBER BANIS: May I? I think what might be able to help in the future from the district going forward on the renewable plans is something of a more -- of a summary that we could receive from time to time in kind of a spreadsheet format that showed us what's proposed, how we are in the first stage, second stage, third stage, something that helps us see a bigger picture.

As a group here we see things trickling in and trickling in, and it's hard for us to get our heads around just how big it is, just how many things are actually going on at the same time. And that was really kind of -- a thought behind this is to find a way to -- for either the DAC or a subgroup to wrap itself around the entire issue, and if the district can help us just through different forms of information, that would probably do the job well.

ACTING CHAIR ACUNA: Meg?

COUNCIL MEMBER GROSSGLASS: You guys have been, I think, since our last meeting sending us information through press releases about the NOI's and DIS's that are released. I noticed that since the last meeting. I appreciate that, and I think that probably is, in my opinion, sufficient. I appreciate it.

ACTING CHAIR ACUNA: Geary?

COUNCIL MEMBER HUND: I just wanted to make a

general comment based on what this raises about in my mind about subgroups, and that's that you really need a DAC member who is really committed to taking the lead with each of these groups. And I actually think that an energy re- -- renewable energy subgroup could potentially be valuable, but I, for one, am not willing to take that on. I just don't have the time to do it. But I mean, if we had a DAC member that was already very much involved in that issue --

COUNCIL MEMBER GROSSGLASS: Quit looking at me.

COUNCIL MEMBER HUND: No, I didn't. There's several DAC members that are very involved in this issue, and I'm involved to a limited degree. But I think it could actually be quite valuable because then, if somebody could put time into it and report back to the rest of us, that would make us even better informed about this very complex issue.

But anyway I don't think that's in the cards right now, but I'd just like that to be considered in the general thought process of the DAC members is that maybe I'm stating the obvious, but you really do need, for example, someone like Randy on the Rands that's very committed to that particular issue.

COUNCIL MEMBER SHUMWAY: Mr. Chairman, may I comment? To follow up, I agree it might be a useful thing to have somebody who's committed. I could see a full-time job here, but the BLM already has expertise. We're going to hear

from Greg Miller later on, and maybe one of the solutions -- not to lay more work on it, but maybe one of the solutions would be to submit a summary maybe monthly.

I think that would be useful for DAC members if somebody like Greg is working on this in the desert district, it seems that he's probably preparing, or some staff member is preparing summaries for somebody. Maybe it would be useful to get a summary as maybe a prelude for later on. But it would sort of serve what you're looking for, which is to keep us all updated.

COUNCIL MEMBER HUND: I think since no one stepped forward after I made that comment, that we really do need to rely on the BLM to keep us informed. Given that it's a fast-moving, complex issue, whatever the BLM could do to keep us informed would be appreciated by me and, it sounds like, others.

ACTING CHAIR ACUNA: Okay. So we need further comment because I think we can make a -- sorry.

COUNCIL MEMBER SALL: Sorry. I guess not quite ready to make a motion, but I kind of have mixed feeling feelings on the renewable energy subgroup idea because I do agree there could be some things helpful for the DAC so that not everybody would have to follow or do more research to create some more updates and detail. But I think maybe for the new members, we're not quite up to speed enough on pros

and cons of subgroups to make a formal vote on this. So maybe we could table this one to a further meeting on making a decision. Just a thought.

ACTING CHAIR ACUNA: Very good. All right. I don't mean to be overly anxious. We're not voting, but I think we have a concept here before we take public comment. I think the concept is this: If you look at the vote -- and there's five items --

No. 2 is a no, and the rest are a yes. And that's just a concept. We haven't voted on it. Let's see what the public has to say and then see if we can go that route.

So do we have any public comment at this point?

MR. WALDHEIM: Mr. Chairman, Ed Waldheim for all the friends groups. I'll take them one by one. Please allow me a couple minutes more. You are putting an awful lot. I feel like I'm in double jeopardy. At the last meeting we had a vote to table it. It was tabled. At this meeting no motion was made to untable it, so you can't discuss it. So that's one part of the procedure that was in error.

Second, at the last meeting motion No. 6, as Meg has brought up, was to form a subgroup for El Mirage. It was seconded. It was voted down. It was voted down, so now I'm being put on trial again when a motion was already taken care of on an issue to form a subgroup. DAC voted very clearly no. Why in the world do I have to now

defend myself again?

Now let me go to Part No. 1. Just for fast review, for some reason the picture wasn't presented to you properly. Rands, Jawbone, Dove Springs had their management plans back in 1986. Those management plans that designated the existing routes were rolled into the West Mojave Plan as part the West Mojave Plan. Nothing was done by the BLM on those three management plans.

Mr. Hector Villalobos had to close 25,000 acres out of the 60,000 acres in the Rands because people would not stay on the trails. He closed the West Mojave trails -- I mean West Spring trails. I put in for a grant from the State of California to open up the trails. The trails were never even the issue. It was the off-road travel that was the issue.

So I went to Daphne Greene and said, "Let me put up a fence." She gave me \$300,000. I built a fence on our five and our 50. And Mr. Hector Villalobos went through all the process, everything legal. Took us six years to get that going. That is what they are appealing on the closure of our five and our 50. It has nothing to do with the rest of the Rands. So if we don't win that appeal, then we lose that 25,000 -- those two trails, but the Rands is still open.

So that motion I would agree on the education portion, which was in the West Mojave Plan that there would be an education program. That one I support, a subgroup to

handle the education portion of the Rands. But please don't mix the other things together. That has no part of it.

No. 2, this one just boggles my mind to no end. Why would you not have a subgroup to handle the public's concerns on the issue that is going to affect us the most in the California desert? There is no other issue next to wilderness that is going to affect access to our public lands more than renewable resources. There is no other, yet you say you don't want to have a subgroup. You expect BLM to handle all of this? It's impossible. They are the ones who have to make decisions. They need to get assistance from you.

I would hope that the DAC would be on our side to keep our public land open for the public, yet you're saying you don't want to form a group? Why have I been putting my life for 30 years for access to public lands without any pay, and you don't want to do it because you're too busy? I'm sorry, guys. I can't accept that. I can't accept that.

You need a subgroup for the energy to protect the valley from what's happening to us. Just look at Stoddard Valley. My God, losing part of Stoddard Valley is inconceivable. That was never part of the plan.

El Mirage. Roxie made a left turn instead of making a right turn. She got to the first bullet to say yes. Then she answered yes on the second one when she should have said no and from no she should have said yes, using existing

groups for info only.

When I look at what's happening with Mr. Holliday to ask for -- have to go now to the government and ask for a Freedom of Information Act for information, it seems to me the subgroup ain't doing that hot in the first place. I'm doing a heck of a lot better with informal information. A lot easier, no big deal. Anybody in the public can come to the meetings. Roxie still makes her decisions. There is no law that says that she has to have a subgroup just because you collect fees. There is no law.

You as a subgroup or me as a friends can't tell her where to spend the money in the first place, but if a wise manager opens up the books and comes up with a budget and says, "I need your input," and we give her input, bingo. I could do it as a friends. I could do it as information or as a subgroup.

Tell me the truth, we do not need El Mirage subgroup, another government layer you don't need. You have enough problems in the BLM office to deal with issues. Why fix something that ain't broke? El Mirage. I've been working on El Mirage for the last 20 years. El Mirage is where we are today because of that group's continued push and with Mr. Pool's help from Sacramento. That's why we are where we're at. It wasn't from a group or lack of a subgroup.

We're doing very, very well there, and we don't need a subgroup.

No. 4 and 5, no argument whatsoever on that. They're not needed at this point. Thank you.

ACTING CHAIR ACUNA: Are there any other comments from the public?

MR. BAKER: I do have.

ACTING CHAIR ACUNA: Please state your name.

MR. BAKER: Harry Baker from the California Association of Four-Wheel Drive Clubs. I have a question, and it regards the point of order more or less, the Roberts Rules. I think you have a motion that was tabled. You're discussing that motion, but that motion was never taken off the table. You're also discussing it as five separate parts, and I believe it was one motion, and that motion either will be voted up or down. It's not individual with these five or six bullet points. It is one motion, and the seconder is not here. You can't modify that motion.

If you pull it from the table now and retalk about it, you can vote on it, but that's all you can do, up or down on that one motion, all five points. Thank you.

ACTING CHAIR ACUNA: Thank you. I'm glad you alerted us to that. It sounds like what I heard -- let me play this back. What I think I heard the gentleman say was that the motion as it exists came from the last meeting and

parliamentary procedures are that either we vote it up, vote for it, or we vote it down, that we can't modify what the original motion is. Is that what I think I heard? Somebody help me.

COUNCIL MEMBER GROSSGLASS: I think we need to have Steve's -- are we allowed to modify motions, in your opinion?

MR. BAKER: Have to table it first.

COUNCIL MEMBER BANIS: No. The motion -- this motion was tabled for a time certain. When you table a motion for the next agenda, quote, unquote, it does not need to be voted to be removed off the table.

MR. BAKER: I stand corrected on that.

COUNCIL MEMBER BANIS: It does need to be voted on if you have postponed it uncertain. If you say I'm just going table it for the future and we'll pick it up later, then you do have to have a motion to bring it off the table. We did definitely table it for the next meeting, and that's where I also some issues with motion to reconsider and some problems. Because we tabled it for a time certain, those issues are resolved.

Number two, he's absolutely correct, we cannot modify this motion as is. However, we can split the question. It can be a motion to the table to split the question, and that can always be voted on and approved, and it can be taken

on in its separate parts.

And at the beginning of this conversation I asked for a call of consent to split the question. We really never had that call for consent. What it would take is for the chairman to say, "Do we have consent on splitting the question?" And if we all just close our mouths, then it's consent and split. If somebody raises their hand and says, "I do not consent," we can take a vote as to whether or not to split the question.

ACTING CHAIR ACUNA: Do we have consent to split the motion?

COUNCIL MEMBER GROSSGLASS: All in favor?

ACTING CHAIR ACUNA: Done. Okay. From there we can agree on the things that were left over; right, Randy? And right now there's four items out of five.

COUNCIL MEMBER BANIS: Yes, and there is a technicality that Harry brought up that is not refutable, and that is that my motion to amend Point No. 1 to strike those words could not be considered without the seconder of the motion here. He is right.

Therefore we split the question if we wish to adopt statement No. 1. I'm sorry. Once the question has been split, I believe the question can be amended.

MR. RAZO: Yes, because you have consented.

COUNCIL MEMBER BANIS: Once the question is

split, it can be amended. So therefore what I would call for is a call from the chair to ask for a consent to call for vote on Amendment No. 1, now that we've split the question. With the question on hold, it was improper for me to seek a change. Now that it's been split, the chair can ask for a consent or a vote on amending that first motion.

ACTING CHAIR ACUNA: We have a consent on amending the first question, which is to form a subgroup on the Rands technical review.

MR. WALDHEIM: And El Paso.

ACTING CHAIR ACUNA: No, just Rands.

MR. WALDHEIM: That's what it says.

ACTING CHAIR ACUNA: It does. I'm sorry.

COUNCIL MEMBER BANIS: So call for consent. If anyone objects, then we take a vote.

ACTING CHAIR ACUNA: Those that consent, raise their hand. I think that's where we go.

Help me out, James.

MR. FITZPATRICK: I think that's a point of order. There seems to be confusion among the board as to whether this can go forward legitimately, so it's hard to vote.

ACTING CHAIR ACUNA: Don, you look puzzled out there. Do you have some strong point that you can help here?

MR. MARUSKA: Well, you know, I think that

something that's a general important context here is going back to the fundamentals of the DAC. You're an advisory group, so yes, it's important to have procedures that you follow, but you don't want the procedures to keep you from providing your best advice. So this isn't like a legislative body and, you know, you're going to call for the cloture vote in the U.S. Senate on whether healthcare reform is going to happen or not.

This is about how you can work together to provide your best advice to the BLM, so I think in that context, yes, you want to be clear about what you're going to be aware of, what you're going to discuss so the public is aware and alert and they can have the opportunity to comment.

But, you know, I would advise you, don't get yourself all tied up. If you have basically through your discussion about the Rands figured out there's a legal thing happening, we don't want to be part of that, but we do have a need for there to be discussion about how the Rands functions and to get people educated and other things, you know, modify your point, get it the way you want it, give your best advice to the BLM and don't feel like you're hamstrung because, you know, you're not a board of directors. You're advisors, so just give your best advice. You can do it.

ACTING CHAIR ACUNA: Okay. Let me take a stab at this and see if it fits. I am so sorry to everyone here

for the confusion. We're going to straighten this out, but Steve has an important point, and I want him to articulate that.

STATE DIRECTOR BORCHARD: Yeah. I want to add a little bit to this discussion and hopefully not trigger a whole huge follow-up discussion but maybe add value rather than too much time to it. But, you know, as we talked amongst ourselves with Don in seeking his voice and trying to follow the guidelines here of coming up with a design for a subgroup, I would like the advisory council to consider rather than just taking a vote and saying we want to roll over the Rands TRT and call it a subgroup, that we take this opportunity to evaluate the structure, the future structure of the Rands subgroup in a desire to make it an inclusive subgroup that includes all stakeholders.

To kind of inform that discussion and thought, I asked the recreation lead who worked with the TRT, Craig Beck, to first of all define current TRT membership and then suggest for a more inclusive membership what that new subgroup for the Rands might look like.

And the old TRT membership was two Kern County supervisors, Don and John, Tom Scott, a DAC member, Ron Denner, a DAC member and low and behold all four of these people aren't members of a DAC anymore. Any one of them could be a member of a subgroup, and one of -- our current

vice-chair, Randy, was on that. In soliciting advice on what a Rands subgroup would look like, he suggested that we consider a Kern County government elected official, a biological, slash, scientific expert, such as a member from the Desert Tortoise Preservation Committee, a multiple use interest, such as rockhounding, mining, local community interest, California off-highway vehicle interest and any environmental interest, such as the Sierra Club. This embraces the spirit of a balanced subgroup representing many of the interests represented on the DAC.

ACTING CHAIR ACUNA: So what I think you heard you say is, all right, we have No. 1 item. We have a TRT. We're going to roll it into a subgroup. The suggestion by Steve is that the previous members are not available right now and we want to follow the structure that we've created that other groups have. That will resolve over time. But that's kind of what's on the table right now. That's the change. It's only the Rands, so we're rolling it over.

No. 2, what I heard everyone say is we don't want to form a renewable group at this time. The third item I heard was that they support -- I'm hearing people support the El Mirage subgroup, and then finally Items 4 and 5 to retire the Surprise and Historic Cabin TRT's. That's what I think we would take a vote on.

If I got that right, then I would like to call out a motion, or if I need it stated differently, please do so from the DAC, please, and we'll make it your motion.

COUNCIL MEMBER MITZEFELT: I'd personally rather keep the question split. But with regard to the El Mirage, did Roxie say that it was the educational effort that -- no? Which one?

COUNCIL MEMBER HOLLIDAY: Rands.

COUNCIL MEMBER MITZEFELT: It was the Rands?

STATE DIRECTOR BORCHARD: Yeah, it was the Rands logistics and identifying projects.

COUNCIL MEMBER MITZEFELT: This is El Mirage.

STATE DIRECTOR BORCHARD: Right. The Rands was education.

ACTING CHAIR ACUNA: All right. So Brad, what I think I heard you saying was that you would prefer to split, and I'm sorry I didn't do that. I think what I should have said was that we wanted to split El Mirage out for a separate vote from all the other items that I announced. Is anybody following me on that? Does that make sense?

Okay. I want to make sure we are we're all good on this, so I'm going to repeat one more time and make sure I got it right. We're taking the TRT from Rands, turning it into a subgroup. That's one item. The other three items -- okay.

Let me finish off here and see. There will not be an energy group. That's Item 2. We'll split off the El Mirage for a separate vote, and we'll retire the other two TRT's. That's what we would motion right now, and we would vote on that. Do I have a motion? Yes.

COUNCIL MEMBER HUND: I would add to our motion having the Rands subgroup compositioned to be that as recommended by the BLM.

ACTING CHAIR ACUNA: Okay. So let's take that motion that I just stated, and in a perfect world I'll try to add that. Let's see what Patrick has to say.

COUNCIL MEMBER GUNN: Just a motion on the energy subgroup. You're saying we will not have one at this time, but at a future meeting we could have an energy --

ACTING CHAIR ACUNA: Right.

COUNCIL MEMBER BANIS: I still think it's good to call the vote on each.

ACTING CHAIR ACUNA: That's fine. It's a wonderful idea. No. 1, the motion here, or what the decision we're asking for is, we're taking the Rands TRT, turning it into a subgroup, and we'll figure out the format, how we create that, later, consistent with the successful formulas that we have on the other subgroups.

If you like that idea -- yes, question.

COUNCIL MEMBER SALL: Sorry. Was that



incorporating into Steve's suggestion or BLM's suggestion of the composition?

ACTING CHAIR ACUNA: The composition --

COUNCIL MEMBER JOHNSTON: No.

ACTING CHAIR ACUNA: Okay. Now we have more discussion, then.

COUNCIL MEMBER JOHNSTON: That's a clarification on something you did. You said we will address the structure later.

ACTING CHAIR ACUNA: I did, and what I was hearing was we wanted to stick with a proven formula. We could work on that later, something similar to what we've done on other subgroups.

COUNCIL MEMBER HUND: I'd like to suggest something else, and that is we go ahead and vote these up or down. Then we could also make a motion following that for the Rands subgroup to have that composition by BLM. We could simply address it possibly.

ACTING CHAIR ACUNA: After we do the vote?

COUNCIL MEMBER HUND: Right.

ACTING CHAIR ACUNA: So for those that approve what I just said for item No. 1, please raise your hand. Okay. Those that oppose, please raise your hand.

(Hand vote taken.)

COUNCIL MEMBER SCHRIENER: No.

ACTING CHAIR ACUNA: Okay. The positive votes win the day here. Let's go to the second item, that there be no renewable energy group at this time. If you support that, raise your hand. If you don't support that, please raise your hand.

(Hand vote taken.)

ACTING CHAIR ACUNA: So there will be no energy group, but I duly noted James.

The fourth one, that we will retire the Surprise Canyon TRT. Those that approve, raise your hand. Okay. Those that disapprove, please raise your hand.

(Hand vote taken.)

ACTING CHAIR ACUNA: Motion carries.

Next one, that we retire Historic Cabins TRT. Those that approve, raise your hand. Those that disapprove, raise your hand.

(Hand vote taken.)

ACTING CHAIR ACUNA: Motion is carried. Okay.

Now we've gotten through everything except El Mirage, and the question here is do we take the existing TRT, roll it into a subgroup, or no, we're not going to -- I'm sorry. That's Friends of El Mirage. We're just creating a subgroup. I'm getting confused. We are only creating a subgroup for El Mirage. That's the question here. And so if you support that, raise

your hand. Wait a minute. I'm sorry.

COUNCIL MEMBER SALL: Can I ask a clarifying question on that?

ACTING CHAIR ACUNA: Yes.

COUNCIL MEMBER SALL: Would we be looking for a structure similar to what BLM indicated on the Rands subgroup?

ACTING CHAIR ACUNA: Yes. We need to be consistent across the territory, so we would try to do that, yes.

COUNCIL MEMBER SALL: Thank you.

ACTING CHAIR ACUNA: So are we ready to make a decision here? Okay. Those that support --

COUNCIL MEMBER SHUMWAY: Can I ask one question before we do that?

ACTING CHAIR ACUNA: Yes.

COUNCIL MEMBER SHUMWAY: For the El Mirage subgroup is there a DAC member already in the Friends of El Mirage?

COUNCIL MEMBER HOLLIDAY: No.

COUNCIL MEMBER SHUMWAY: Because to have the proper subgroup structure, one of the DAC members would have to volunteer to be in it in order to lead the El Mirage subgroup.

ACTING CHAIR ACUNA: That would be a detail we would take, I think, after this vote; okay? All right. So the

question here is -- I'm sorry, James.

COUNCIL MEMBER FITZPATRICK: I didn't hear the answer. There's no staff member on the friends group?

COUNCIL MEMBER SHUMWAY: No DAC member.

COUNCIL MEMBER FITZPATRICK: That's what I'm asking, there is no DAC member?

ACTING CHAIR ACUNA: No DAC member on the friends group.

COUNCIL MEMBER FITZPATRICK: Oh, DAC member.

ACTING CHAIR ACUNA: But all of these subgroups have to have a DAC member, so we form the subgroup, and then we identify someone to be.

COUNCIL MEMBER SHUMWAY: To follow up with a clarification, then, if there's no DAC member that volunteers to be part of the El Mirage subgroup, then the question is moot.

ACTING CHAIR ACUNA: I wouldn't think you could form the subgroup until you have a volunteer.

COUNCIL MEMBER SCHRIENER: Wouldn't you select somebody? You have somebody already as an advocate, already says I'm willing to do it before you vote to form a subgroup and then find out no one has the time to do it? Isn't that putting the cart before the horse?

COUNCIL MEMBER BANIS: I volunteer.

ACTING CHAIR ACUNA: Okay. We've answered that

question. So where we'll go is, if we form the subgroup, Randy Banis will represent the DAC and the subgroup will follow the -- try to be consistent with the other previous subgroups that have been formed elsewhere in our territory in the CDCA area, so for all of those that support the formation of the subgroup, please raise your hand. Okay. We have five votes. Those that oppose the subgroup, please raise your hand. We have five. Six?

(Hand vote taken.)

COUNCIL MEMBER HUND: I thought we have we had six in favor.

COUNCIL MEMBER HOLLIDAY: You didn't count the yeses correctly.

ACTING CHAIR ACUNA: Let me do this right. Those that support the subgroup, please raise your hand. Okay. I got seven hands. Okay. Those that oppose it, please raise your hand.

(Hand vote taken.)

ACTING CHAIR ACUNA: The motion passes seven to five. Okay. We got through that.

COUNCIL MEMBER FITZPATRICK: I think for the record we need to do something about the conjunction in No. 1. I didn't hear how it was formally suppressed, put away, whatever, the conjunction "and" El Paso. What happened to that?

COUNCIL MEMBER GROSSGLASS: Do you mean is it going to be El Paso and Rands collaborative subgroup? Is that what you mean?

COUNCIL MEMBER FITZPATRICK: Let's not confuse things. We had a motion on part of the motion that was previously put on the agenda. Now there's half of it that's still on the agenda. Despite what Mr. Maruska said, I think you have to do something. Someone is going to leave this meeting saying, what is the disposition of that second part? Or am I just out of it?

COUNCIL MEMBER JOHNSTON: Pardon me. My understanding was Randy proposed amending the entire statement and omitting and deleting the reference to Rands. That was my understanding of it, anyway.

COUNCIL MEMBER FITZPATRICK: Right, but I don't remember taking a vote on that. Do we have to vote on that or not?

COUNCIL MEMBER BANIS: I heard Tom call for consent on that. Tom called for consent, and the group consented.

ACTING CHAIR ACUNA: We did the rollover from Rands TRT.

COUNCIL MEMBER FITZPATRICK: Right.

ACTING CHAIR ACUNA: We're converting it to a subgroup.

COUNCIL MEMBER FITZPATRICK: Right.

ACTING CHAIR ACUNA: That's it. We're not addressing El Paso. So that was the vote.

COUNCIL MEMBER FITZPATRICK: Forgive me. I didn't remember a vote.

COUNCIL MEMBER MITZEFELT: I remember him speaking up saying, what about El Paso? Somebody said something about taking the word assist, which to me says and El Paso. So that's what I thought I heard.

COUNCIL MEMBER BANIS: I asked to strike everything after the word "subgroup," and as I recall, the chairman asked for consent and received consent on that. The chairman called for consent twice, once to split the question and the second to accept this amendment.

COUNCIL MEMBER HUND: That's my recollection, as well.

COUNCIL MEMBER SCHRIENER: And is mine.

ACTING CHAIR ACUNA: I think, then, the matter is settled, and then we can move on. I think we were looking for a member. Do we have to find one for the Rands subgroup?

COUNCIL MEMBER HUND: Randy volunteered.

COUNCIL MEMBER BANIS: I'm still on it. No one has ever taken me off.

ACTING CHAIR ACUNA: So you're covering both El Mirage and Rands. And so it will be up to you to take the

leadership role on both of those and --

COUNCIL MEMBER BANIS: Excuse me. I've just stated the subgroups will vote their own leadership. For example on Dumont Dunes TRT I am the secretary. I just take notes. So the representative from the DAC to a subgroup is there to provide the connectivity to the subgroup but does not have to lead the subgroup.

ACTING CHAIR ACUNA: Okay.

COUNCIL MEMBER BANIS: And I don't intend to lead that subgroup.

ACTING CHAIR ACUNA: Initially at those meetings who provides leadership? Will that be the BLM, Steve?

COUNCIL MEMBER BANIS: The subgroup will elect its leaders.

STATE DIRECTOR BORCHARD: The subgroup elects their leaders.

ACTING CHAIR ACUNA: All right. Thank you.

COUNCIL MEMBER HUND: Just a point of clarification. I think if another member of the DAC also wanted to participate, they potentially could, although I have not heard anyone else volunteer.

ACTING CHAIR ACUNA: Okay.

COUNCIL MEMBER BANIS: Absolutely. There's never been a prohibition against that.

ACTING CHAIR ACUNA: I'm so sorry, folks, for

not doing a good job in deleting this. It was a complicated motion, probably the toughest one I've ever been involved in. But from here, I hope that the on two subgroups that are going to be formed, that the bottom line is the BLM group, the subgroup and the DAC members, they will resolve how their structures are going to be. And we've directed them to utilize the consistent format that we've yet utilized elsewhere, and that's where we leave it.

Does anybody see it differently?

COUNCIL MEMBER HUND: One other thing, and I'm not sure how this has been done before, but through Steve the BLM came to us with a recommendation for the new composition, the composition of the Rands subgroup. And I, for one, think that's a great composition and would like to suggest that we in our advisory role tell the BLM that we support that composition of the Rands subgroup.

ACTING CHAIR ACUNA: Comments?

STATE DIRECTOR BORCHARD: A motion?

COUNCIL MEMBER HUND: I'll make a motion.

ACTING CHAIR ACUNA: Do you want to convert that to a motion?

COUNCIL MEMBER HUND: I just want people to have a chance to talk before a motion.

COUNCIL MEMBER SHUMWAY: I'll second it after he makes a motion. Make a motion.

COUNCIL MEMBER HUND: My motion is that we support the BLM's recommendation on the composition of the Rands subgroup.

COUNCIL MEMBER SHUMWAY: And I'll second.

ACTING CHAIR ACUNA: Okay. Is there any other discussion? And I think we're making a decision. Do we not take comments?

COUNCIL MEMBER JOHNSTON: Public comments first.

ACTING CHAIR ACUNA: Are there any public comments on the composition that these subgroups would take as recommended by Steve?

Okay. Doesn't look like we have any comments. I think we can move ahead and vote. So for those supporting that motion, please raise your hand. Those who oppose it, please raise your hand.

(Hand vote taken.)

ACTING CHAIR ACUNA: The ayes have it. Motion carries. Yes, James?

COUNCIL MEMBER FITZPATRICK: I'm sorry. I'm not going to go away on this. When you split the question, in English, in common sense it means you have two parts. What happened to the second part? That's all I'm asking for the record.

COUNCIL MEMBER BANIS: For point of order, splitting the question means taking each of the individual

items that need an up or down vote and splitting them into separate votes. We had five questions rolled into this one motion, so we split the question into five separate motions, into five votes, and all five votes have been taken.

COUNCIL MEMBER FITZPATRICK: Okay. I'm only concerned with No. 1, so maybe I'm missing something. There was a conjunction there. We all agreed that we'd only hear the first part of the conjunction. What happened to the second part of the conjunction?

COUNCIL MEMBER BANIS: Oh, I see your point. I see your point.

COUNCIL MEMBER FITZPATRICK: That's all for the record.

COUNCIL MEMBER BANIS: It was dropped by my motion to -- or by my request to strike that from the motion.

COUNCIL MEMBER FITZPATRICK: So it was deleted?

COUNCIL MEMBER BANIS: Deleted.

COUNCIL MEMBER FITZPATRICK: Thank you.

COUNCIL MEMBER BANIS: If somebody wanted to raise that issue separately on its own, it could be raised at this point.

COUNCIL MEMBER FITZPATRICK: Thank you. Sorry.

COUNCIL MEMBER BANIS: Not at all.

ACTING CHAIR ACUNA: I just want to say one thing. I'm going to work with you folks, all of us together,

in the future, and we will not let this happen again. I'm going to do the very best job I have to make sure we have one decision and keep it to one decision and not go to multiple decisions. Lesson learned. My apologies.

STATE DIRECTOR BORCHARD: At the risk of dragging this topic on for a few more minutes, I stated earlier I would like to bring closure to this effort to deal with our outstanding TRT's and the fine work that Don Maruska has provided for us. I am sad to inform you that we still have two TRT's that we have not acted on here today or in the past. And those two TRT's that are still on the books are, you know, one that came into being at my first DAC meeting, the Meccacopia TRT, and then after that another one that came into being was the Ivanpah TRT. Would the DAC like to entertain addressing the fate of those two TRT's that are still on the books here today now?

ACTING CHAIR ACUNA: I think we'd love to if we were in a better mood. I'm feeling frazzled. I'm sure you are, too, all of us, and I think we need to --

COUNCIL MEMBER BANIS: I don't see a debate. I was just going to move we retire them.

COUNCIL MEMBER GROSSGLASS: I was going to second.

COUNCIL MEMBER HOLLIDAY: I vote yes.

ACTING CHAIR ACUNA: All right. Do we have a

motion, then?

COUNCIL MEMBER BANIS: I move.

ACTING CHAIR ACUNA: Do we have a second?

COUNCIL MEMBER GROSSGLASS: I second.

ACTING CHAIR ACUNA: Okay. So the motion here -- and now we have public comment. We're going to retire Meccacopia and Ivanpah. Those are the TRT's that we would retire now. James.

COUNCIL MEMBER FITZPATRICK: Before we have public comment, can someone give us in 25 words or less exactly what the Meccacopia or Meccacopia was.

STATE DIRECTOR BORCHARD: Meccacopia is a conjunction of the Mecca Mountains and the Orocopia Mountains. It was a planning area identified in the BLM Palm Springs field office, and it has set out to initiate an activity level plan in those areas. Since then that effort to set out planning has been overcome by events, funding issues. We're no longer currently actively pursuing development of an activity level plan, so it's kind of one of those things that's fallen off the radar screen.

COUNCIL MEMBER FITZPATRICK: I remember reading about the other, so I don't need that explanation.

ACTING CHAIR ACUNA: Yes, Brad.

COUNCIL MEMBER MITZEFELT: Describe the Ivanpah TRT.

STATE DIRECTOR BORCHARD: Ivanpah TRT was envisioned in assisting BLM with addressing all the land use development issues in the Ivanpah Valley on both sides of the state line. The airport, the Caltrans USDA joint point of entry, the renewable energy projects on both sides of the state line and probably some other things I'm not thinking of.

MR. RAZO: Desert Express.

STATE DIRECTOR BORCHARD: Oh, Express. I get it. Desert Express Train. Since that time also BLM has once again been overcome by other workload priorities, and the effort to get an interstate regional planning group has fallen by the wayside due to the lack of emphasis by BLM, so there is no regional planning effort that has been initiated in that area to date.

COUNCIL MEMBER HUND: Steve, just very briefly what's the status of those proposed projects, the major ones out there? Are they still moving forward? Are they on hold?

STATE DIRECTOR BORCHARD: Desert Express hopes for a decision in the late spring. There's a draft environmental impact statement that's been out on the streets for how long, Rusty? Four months? Six months?

MR. LEE: About that long. End of March is when I last -- the Barstow office has the lead on that, but end of March is Desert Express. Both high speed rail from Victorville to Las Vegas.

STATE DIRECTOR BORCHARD: The joint port of entry is moving forward. What's the status of that one, Rusty?

MR. LEE: I better get to the mic.

Joint port of entry, the notice of royalty action has been published. It's on the 60 day timeline right now, and the E.A. should be up for review within the next week.

STATE DIRECTOR BORCHARD: The Ivanpah BrightSource renewable energy project.

MR. LEE: Draft EIS is out on the street for that right now. It is posted on the CEC website. Public comment is being posted until February 11th.

STATE DIRECTOR BORCHARD: A solar energy project right next to that, First Solar's state line project. We are awaiting receipt of a plan of development.

MR. LEE: Yes. They have submitted two, and they have withdrawn two, and they would like to submit a third.

COUNCIL MEMBER HUND: How about the airport project?

MR. LEE: Clark County Aviation insists that it will happen, and that is the most I have from them at this point in time.

ACTING CHAIR ACUNA: Okay. The question was an update. I think we got the update. I think we need to bring

closure to this one. Let's take a vote. Unless there are any more comments, a public comment, please. John?

MR. STEWART: John Stewart, California Association of 4-Wheel Drive Clubs. I would urge the council and even the BLM to take a good, hard look at the Meccacopia area in that with the potential impacts of closures in other areas of the desert, Meccacopia could become another hot spot.

Maybe at this point in time it is overcome by events lower on the priority, but I would hope that you would keep it on the radar and keep an eye on it enough to realize that there is a high probability that an intensive use area will be developed in there not by your lack of -- well, maybe by your lack of action now to have that TRT or some other planning area set up.

But just because people are going to find a place to recreate, as they're receiving pressures to move from other places, they will find places where there is less law enforcement, where there is less pressures on them to behave. And unless something is looked at and addressed within the Meccacopia and, in fact, throughout the entire salt wash area. You have the wilderness boundary issues. You have big horn sheep issues, and that is an area that could become a problem spot.

And I would encourage you to make sure that you keep it on your radar and take appropriate action as soon as

<p>possible. Thank you.</p> <p>ACTING CHAIR ACUNA: Thank you, John.</p> <p>Any other public comment here? Okay. It doesn't look like any, so let's close the public comment and make --</p> <p>COUNCIL MEMBER BANIS: Call the question.</p> <p>ACTING CHAIR ACUNA: We're going to vote to close the TRT's for Ivanpah and Meccacopia. That is the motion here. For those who support closing those, please raise their hand. Those that don't support that, please raise their hand.</p> <p>(Hand vote taken.)</p> <p>ACTING CHAIR ACUNA: Okay. The motion carries to close those TRT's. We're done with this. It's 3:00. We haven't had a break. We have quite a few more items to discuss. What is the council's pleasure? Do we take a five-minute break, ten-minute break? Would that be sufficient?</p> <p>COUNCIL MEMBER SHUMWAY: Ten.</p> <p>ACTING CHAIR ACUNA: Pardon me?</p> <p>COUNCIL MEMBER GROSSGLASS: Five or ten?</p> <p>ACTING CHAIR ACUNA: Let's do it in five minutes; okay? Everybody can be back in five minutes.</p> <p>(A brief recess was taken.)</p> <p>ACTING CHAIR ACUNA: Everybody have a seat. We</p>	<p>those are three-year testing permits that are allowed to gather wind resource information for the applicant for three years, and they may or may not extend that at the end of three years. That's about 500,000 acres that's happening on at this point in time.</p> <p>The solar, we have 59 solar applications pending. Those are first-in-line applications. Our second-in-line applications, we have about 20 of those. Those are anywhere from 4,000 acres to 15,000 acres in size. They cover a total of 560,000 acres with a potential capacity, and if everything got put together, it's about 40,000 megawatts. Next item.</p> <p>Hard to see that, but the dark blotch areas are the solar energy development sites, and then there's a really hard to see green up there, too. That's the wind energy. But it gives you an idea of the applications, where they lie kind of in a line along the area between Blythe going northwest all the way up to Barstow, kind of that area. Then there's some up towards the northeast towards Needles. Next slide.</p> <p>Okay. We do have a solar program environmental impact statement coming out. I know it was discussed earlier. It is in line to try to come out for draft in June or July of 2010 and a final the following year. They have identified solar energy study areas in that programmatic environmental impact statement. Those are out for comment or have been out for comment. The comment period has closed.</p>
<p>only have seven items. I'd like to reconvene the meeting. The break is over. It's currently 3:05, and I was going to try to get us out by 4:00 if possible. I think it's going to go a little longer than that. We have seven items.</p> <p>There is a bit of good news. Al Stein, you are going to be talking about the West Mojave court ruling.</p> <p>MR. STEIN: I already did.</p> <p>ACTING CHAIR ACUNA: Done that. So we just have to take public comment on that. Before I go there, I would like to give the floor to Greg Miller to give us the renewable energy update.</p> <p>MR. MILLER: Thank you, council. Greg Miller, renewable energy program manager, California Desert District BLM. Last time I was here, we had some interesting developments going on. We have some updates on the PowerPoint presentation that I have here. You'll be able to see when we move forward that my trusty assistant, Mr. Razo, will help me move those slides forward. Go ahead.</p> <p>Right now the fluctuations in applications for pending solar and wind energy on BLM lands is occurring on a daily, weekly basis. We're seeing some come in; we're seeing some go out. Right now for wind energy we have 51 pending testing and development applications. Forty-three are testing, and eight are development. Eighteen authorized testing applications on at desert district right now. So</p>	<p>At this time the Argonne National Laboratories is working with us to pull in public comments at the Washington level on those solar energy study areas and come up with -- at a time when this programmatic environmental impact statement is published, they will be turned into solar energy zones, and those zones will be identified as areas that are compatible for large-scale solar developments on public lands, and we'll have a land plan amendment to reflect that. Next slide.</p> <p>Okay. You heard Rusty Lee talk about the Ivanpah solar generating system. Draft environmental impact statement, that came out. It's available for public comment. Again it closes -- the public comment period closes on February 11. It's 1250, almost, pages. It is a combination of a staff assessment from the Energy Commission and a draft EIS from the BLM, a NEPA-CEQA California Energy Quality Act document.</p> <p>It's the first one out the chute in this combined document that we have.</p> <p>It is a different format than the public is used to seeing that the BLM puts out for availability. It has a lot of Energy Commission -- it's written by the Energy Commission. Let's tell you that. So we are working closely with them to come up with -- to make sure that NEPA, our National Environmental Policy Act, compliance is met through this whole</p>



<p>process.</p> <p>Next slide.</p> <p>We do have another one that's pretty much all BLM administrative draft for environmental impact for the Lucerne Valley, Chevron, Lucerne Valley, a photovoltaic site south of Barstow. It's 500 acres or something like that. It's a 45-megawatt photovoltaic site. It's relatively small compared that what we're seeing up there. The publication notice of availability is expected to be near the end of December.</p> <p>At this time we've already had reviews by the solicitor's office, the Washington office, California state office, California Desert District and the field office on the components compliance contents of this draft, administrative draft. Once it's been through all these and we get a better draft available, we'll be publishing out that for public comment. That again will be a 90-day comment period, and it will be available for the public to make comments on. Then we'll have scoping meetings during that time and some other times, as well, most likely before it's published. Next slide.</p> <p>We also have had five projects that are -- have notices of intent for development it or preparing an environmental impact statement go out. November 23rd we had the Solar Millennium, Ridgecrest notice of intent, Chevron Solar Millennium, Palen and Blythe sites out on the I-10</p>	<p>plants proposed there, and we have a number -- I think it's seven leases being proposed for Truckhaven at this point in time. Next.</p> <p>And of course you can't do anything without transmission. The BLM is involved with the San Diego Gas and Electric Sunrise Power. That's moving along. A record of decision was signed a while back by BLM. I think we're still waiting for the Forest Service to sign their decision of record. The Los Angeles Department of Water and Power, Barren Ridge Transmission Project. Forest Service has the lead on it. That has four miles that goes across -- it goes across four miles of BLM land, so we're kind of cooperating with the co-lead, and we're reviewing all of the alternatives coming up for that.</p> <p>Devers-Palo Verde 2 transmission project we're still working on, the El Dorado-Ivanpah transmission project, the IID Desert Southwest transmission project and, of course, Green Path North transmission project.</p> <p>All these projects are in some form or another or some state or another, and I can't recall exactly where they are at this point in time, but that's all we're working on at this time. And this is all I have for you today, but I will take some questions.</p> <p>COUNCIL MEMBER SCHRIENER: Is it possible that presentation be put on the website?</p>
<p>corridor. NextEra Genesis Ford Dry Lake out on the I-10 corridor, and an Daggett Ridge wind application has also gone out for public comment November 23rd.</p> <p>Now, the comment period ends December 23rd for these. However, many of these, because their scoping meetings are occurring after the 23rd of December and maybe even late in December, the public comment period actually ends 15 days after the last public scoping meeting. So some of these comment periods will be extended by default into January. Next slide.</p> <p>I'd like to say, too, that the Energy Commission has found that the NextEra Genesis Ford Dry Lake is adequate, as well as the Solar Millennium and Ridgecrest adequate. And those solar applications that the BLM has taken are again in conjunction with the Energy Commission, and they will come out with the same type of format that the Ivanpah solar generating system project came out with as far as a staff assessment from the Energy Commission and a DEIS from the BLM. Next slide, please.</p> <p>We do have a geothermal. Again with all the solar happening, people forget we do have geothermal in Southern California. We have West Chocolate geothermal site that's being proposed right now with three 50-megawatt plants, Wister Geothermal NOI. I see it's gone out for preparation of an EIS. Haiwee, the same idea where there are two 30-megawatt</p>	<p>MR. MILLER: I could put it on the website. It's going to change a lot because the applications change. I'd like to address what folks were kind of alluding to earlier. I would be more than happy to provide an updated status on all the energy applications that we have.</p> <p>Now, like I said, we have 59 solar plus a whole bunch first in line plus probably 20 or 25 second in line, and a lot of those applications at this point in time are in the very beginning stages of planning development that, like Rusty was saying, is being -- hasn't been issued or submitted by some of these applicants to the quality that we want.</p> <p>COUNCIL MEMBER SCHRIENER: And I'm in that business. I understand it's very fluid.</p> <p>MR. MILLER: Yes.</p> <p>COUNCIL MEMBER SCHRIENER: So the fact is we were asking for a monthly or some sort of update. This would seem to serve that purpose in that it's the current status, knowing full well that it's not the end status but an existing status.</p> <p>MR. MILLER: I can work with Mr. Razo, Steve, and we can work out something to put on there that enables people to see what's going on, and I'll keep you updated.</p> <p>COUNCIL MEMBER SCHRIENER: I appreciate it.</p> <p>MR. MILLER: Honestly we update the director. The state director updates the director of BLM weekly on our</p>

fast tracks that I didn't talk about. I should have probably.

So we can do that other, as well. Questions?

COUNCIL MEMBER GROSSGLASS: Also for everyone's knowledge -- I think you brought it up last meeting -- if you go to CDC's website, they have two spreadsheets, one that has all your wind applications. And I know in the comments it tells where they are in the process. There's one for wind, one for solar, and isn't there a PDF of a map associated with each one of those spreadsheets?

MR. MILLER: That's right.

COUNCIL MEMBER GROSSGLASS: So it is readily available to us on the internet.

MR. MILLER: On the CDC website. We update that monthly. The state office has the control over putting that out on the website, but we link to that off of our website. So I think they just updated it just recently, because they asked me to make sure my part was in it.

COUNCIL MEMBER SCHRIENER: The last question I have is, you mentioned on the geothermal there was West Chocolate Mountains. I hadn't heard that.

MR. MILLER: It's along the gunnery range down south in Imperial County.

COUNCIL MEMBER SCHRIENER: Imperial County?

MR. MILLER: No.

COUNCIL MEMBER SCHRIENER: Is that the one

that's near Niland Hill?

MR. MILLER: Yes.

STATE DIRECTOR BORCHARD: That's a 24,000-acre area, the north end of Algodones Dunes.

ACTING CHAIR ACUNA: Are there any other comments for Greg? Yes, Randy.

COUNCIL MEMBER BANIS: Thank you. The L.A. Times of October 19, 2009, I read an article that didn't bring many smiles to my face until I got to the very last paragraph. I'd like to quote. "Bullying us to step up the pace won't help. We're going to do this right. This land belongs to the American people." I want to thank you for that statement.

MR. MILLER: You're welcome.

COUNCIL MEMBER BANIS: I didn't do any smiling in the reading until I got to that last paragraph, and I printed it out, and I carry it with me. Thank you.

MR. MILLER: You're welcome.

COUNCIL MEMBER GUNN: I just want to add to that, I did the same. In fact I have it written down on my business card.

MR. MILLER: Do you? Oh, that's good. I'm glad to be of assistance.

ACTING CHAIR ACUNA: Any other comments from the DAC? Greg, once again, nice presentation, and your continuing presentation updates are useful and helpful to us. Please

keep them coming. Thank you.

MR. MILLER: Definitely. Any information you need from me, if you would like to pass that on to Steve Razo or Mr. Borchard or anybody, I would more than happy to be able to answer those for you.

ACTING CHAIR ACUNA: Excellent.

MR. MILLER: You're welcome.

ACTING CHAIR ACUNA: Let's go to the next topic, and that would be public comment to the West Mojave court ruling. And see here's an opportunity for the public to add a comment to what was said previously by Al Stein.

There are no comments. We'll close that and move on to the next item. And that would be the Abandoned Mine Lands Program update. Sterling White, please.

MR. WHITE: My name is Sterling White. I'm out at the California Desert District office. I'm the Abandoned Mine Lands Program relief for Southern California.

Originally we had thought about putting AML, the Abandoned Mine Lands, information in with our American Recovery Act information. Then I said, you know what? Let's not confuse the DAC. Let's try to make this very simple, and we're going to flow right through it. There is a distinction. The AML program is a program within BLM to remediate abandoned mines. ARRA is an initiative. It's funding to get people to work. So you're going to have two presentations by myself

back to back.

Here we go. A while back I was researching the internet. I was Googling abandoned mines to see what our publications were saying about us. These are some quotes that I pulled from the internet, and the spelling within this verbiage is not my own. It was those of the people that had written this on a forum.

COUNCIL MEMBER BANIS: Sure.

MR. WHITE: And I quote, "Friends and I are looking for some abandoned mines in Southern California relatively close to Orange County two hours or so max away." It goes on in the next response to the forum, "We're looking for some mines that are good for regulare (sic)," regulare, "exploration and some rappelling." Well, that really just caught my attention. I hope they can use ropes better than they can spell.

But it did spark an interest of what a two-hour line would look like coming out of the Orange area, and the map that is shown here is a map with a two-hour delineation time, driving time, from Orange. If we bring in our Abandoned Mine Land data and populate this map, you can see a map that looks like it has been peppered by a salt shaker or a pepper shaker.

There are over 12,000 mine features in the California desert. Had these two individuals had access to

the right website, a public website that BLM has put money into, they would have been able to go and do a little research and zoom in on any one of these number of abandoned land mine features and visit it.

This is our problem as an agency. We have people who think abandoned mines are a playground, and they're not. They're an industrial site. They were an industrial site in the late 1800's and early 1900's. The user groups that we have today is a different user group of our public lands. They're not miners. Miners today have changed the way they conduct business from the late 1800's. Some of these features are extremely dangerous.

Let's talk a little bit about population dynamics. I ran with the idea of statistically the number of people in the greater L.A. area, and on the board are some numbers. In 2008 Los Angeles reported a population of over four million people; Los Angeles County, over 11 million; and the greater Los Angeles metropolitan area of over 18 million.

So as Abandoned Mine Land program lead representing you, the public, I think there's a good chance that these young people or people that had posted those forum notes will be able to find a hole in the ground to go play in.

So let's talk a little bit about what BLM is doing. We're monitoring the internet. If you want to see what happens in a hole by one of the user groups, you can go to the

website of Mojave Underground. I captured a screen shot from Mojave Underground, and this is what it looks like. When you go to their website, you will see video and pictures of young people. These are teenagers to young adults, twenties and thirties, that are going underground and shooting videos of themselves as they're exploring.

If you would like to see underground mining equipment, this is a great resource without having to go. I've found it very interesting to see what they were finding in those holes.

To tackle the issue of abandoned mines, here are some of the reportable units of accomplishment for 2009 for BLM. This year the desert district and its field managers and district manager signed a strategic plan on how to address abandoned mines in the California desert. That's available on the desert district website and BLM page for review.

BLM entered into an agreement with Bat Conservation International of how to treat holes in the ground. We've also mailed out over 4,000 mine claimant letters asking our current claimants to work with us on any physical safety hazard that may be on their claim even though they may not have put it there. We want miners to work with us in helping remediate immediate dangers that could kill somebody.

We've also entered into an agreement with the State of California, and we've transferred funding in 2009 to the Abandoned Mine Land unit to help us remediate.

We have four actions initiated in 2009. I call them best management practices. Our archeologists call them a protocol agreement amendment with the State Historic Preservation Office. BLM has also initiated a programmatic environmental assessment that looks at each one of the remediation action types, and we'll see those here shortly.

We submitted a budget request for Recovery Act funding, and we've also drafted an ID/IQ contract indefinite delivery, indefinite quantity, a contract that has gone to our National Operations Center.

If you crack open the strategic plan, it's very simple. Our priorities are to work in areas where people recreate. That is a quarter mile within campgrounds, a quarter mile within schools, a quarter mile within trailheads and population centers or in open areas. We want to tackle the immediate hazards that can kill people right now and work outward as we move along.

The last priority would be working in our wilderness because there's fewer people, and the people who visit the wilderness really are going to put themselves in harm's way because they're walking. People in the OHV areas are sometimes going a lot faster than a walking pace.

The considerations we have for remediating are wildlife habitat values, cultural historic, geology and future scientific study. I'm going to take you through a series of slides that show you different remediation actions.

This is a polyurethane foam closure depicted in the three pictures. The final step is throwing a foot and a half to two feet of dirt over the foam plug. The foam plug is like putting a cork in a wine bottle, and it keeps people out and keeps people from falling into it. The foam is very safe. A person could park on top of that. It's over 12- to 14-foot thick, and it's going to hold up vehicle weight. The key point here is, if we have a claimant come to us and want to go back in and look at the mineral resources, they can dig the foam plug out. It's not permanently lost.

The second is wildlife friendly bat gates. Pictures 1 through 3 show the adit and the gate being installed and then the final product. Where we want to maintain the ventilation flow in a mine, we can install corrugated steel pipe and put a cupola steel structure on top of it depicted in these photos. This is in the historic Rand Monument District Area.

Temporary measures to keep people from falling into holes include fences and fence construction. The second picture shows an area where we put in a fence with desert tortoise protection.

And the message that BLM wants to put out to its public in working with school groups, children, parents, users of public

lands is, "Stay out, and stay alive." That's my report on the Abandoned Mine Lands Program.

Let's talk a little bit about American Recovery. This year the California district received almost \$7.6 million in funding stimulus. I've accorded, lumped those into major topic areas that include vegetation treatments, facility maintenance that includes paving, fencing and other type structural improvements and assets. And then there's abandoned mines, both on the physical safety side and environmental cleanup side.

The funding distributions you can see on the slide there. This is a funding distribution chart by office in millions. The green is Ridgecrest, \$3.2 million. Most of what Ridgecrest received for ARRA money was for the Abandoned Mine Land program, both for physical safety and for environmental cleanup. Palm Springs in blue is 2.6 million. The majority of that is the fuels treatment program or vegetation treatment program. And then we had other distributions for the other three offices in smaller amounts, less than a million.

Let's talk a little bit about the fuels program here with the California Desert District. Palm Springs carries a lot of the weight for California when it comes to treating fuels and trying to keep people safe during the fire season. On the map in front of you in the

black dots you will see our treatment areas for ARRA funding. The picture beside it is a follow-up after the chainsaws and crews have gone through to cut the brush and stack it. The material is then piled, picked up, hauled away and then consumed at plants for energy. It's called biofuel.

This is an aerial photograph of what a fuel break would look like. That line is from Google Earth, and it depicts on the map an area that's approximately 120-foot to 150-foot wide. It's used by firefighters. During times of critical fire season when we have escape fires, the continuity of fuels is broken, and they're able to work in that area where the fuel break is to help stop wildfire.

In the yellow on this map is the area of private land that we try to protect as a public land agency.

The slide in front of you is at El Mirage. The yellow lines depict the area where pavement will be in the future. The contract for this project has been let. What the engineers plan to do for that turn-in lane going into the center is take that gravel bed, that roadbed, down a couple of feet and bring it back up and then put blacktop on top of it. That will be coupled with signs as you come in letting our visitors know that, if you need a pass or a day permit, pull into this area. For permanent pass holders, you can drive straight on through. One of the goals of this project is to eliminate bottleneck of congestion.

In the south dunes there on the left side of the paved road is a comfort station. Some may know it as a privy, and some may know it as an outhouse. This outhouse has been in place for close to 25 years, and I'm not sure how many people it has saved after a long drive. But the life of the outhouse is now gone, and it's time to be replaced.

There is a tremendous amount of use that comes to this area during this time of the year when it's cooler and people want to enjoy the dunes. What we'd like to do is take the old outhouse out and replace it with a new-style comfort station that you'll see in the lower right-hand corner, one that is also ADA accessible. The contract for this project has been let, and the contractor is currently working with our engineer on the final schedule to go in and take care of business.

In the Abandoned Mine Lands Program you'll see slides here in front of you where we're remediating a dangerous shaft by putting in a concrete foundation that supports steel fabrication of a cupola on top of it. This mine shaft is now home to owls and bats, so we're going to preserve the habitat. That cupola with the openings will allow the wildlife to come and go freely.

The roof. BLM has also a spec for the roof that we ask our contractors to achieve, and that is a 6,000-pound point load so that, if somebody wants to drive their Jeep on

top of it, it will hold the Jeep without failure. That's our goal. I don't think it's been tested, and I'm hoping that it is never tested.

At this time can I get some lights, please. Members of the DAC, I'll entertain questions from you, please.

COUNCIL MEMBER SHUMWAY: Mr. Sterling, I have a question and maybe an oral comment, too. This is a comment. Because I'm from the mining industry, and I'm really picky, most of the points on your earlier map are actually prospects. Very few are mines by definition. They still have dangers. You're right. Mining is conducted in a different way today.

I'm happy to see that the BLM got seven million dollars in stimulus money. My industry is barely surviving. How many outside contractors did you employ with that seven million dollars?

MR. WHITE: That's a good question.

COUNCIL MEMBER SHUMWAY: Or were they all BLM employees or mostly?

MR. WHITE: The goal of stimulus was to put the money out in the private sector. I know for the State of California we have over 120 projects total. For this amount of money here in the desert the projects have been accorded together, meaning we may have one project title with several projects within it. An example of that would be our fuels program, where we have management of the fuel breaks. There

may be five fuel breaks within one big title.

If we're going to take this --

COUNCIL MEMBER SHUMWAY: Is the work all conducted by outside contractors?

MR. WHITE: Yes. We issued a contract this week, and it's employing 12 people to go out and run chainsaws. And that contractor has a supervisor on-site with 11 workers, and we're tracking those days and reporting those.

COUNCIL MEMBER SHUMWAY: So the object was to employ outside contractors to conduct this seven-million-dollar work?

MR. WHITE: That's correct.

COUNCIL MEMBER SHUMWAY: Thank you.

ACTING CHAIR ACUNA: Randy.

COUNCIL MEMBER BANIS: As you know, the public has a fascination with the rich mining history that is out in the back country of the desert, and not to contradict the inherent dangers within those industrial mining sites, at the same time there are the occasional exception sites that have become iconic and even somewhat ballistic on the historical register. And I would just like to explore that some of those -- for example, a Burro Schmidt tunnel would not be the focus of a closure when there is an opportunity in the same way for members of the recreating public to be able to garner a unique way of learning about that history, really, from the inside

out essentially.

I wanted to see your thoughts on that and how those sites fit into this priority, and I imagine fairly low.

MR. WHITE: That's real interesting, Randy, and I appreciate your thoughts on that. We have members of the public who share the same viewpoint that there's parts of the community who want some of these mines left open so that they can visit the mines. My job is to close them and to keep people safe. As your representative as a public lands steward, that's my job. I'm not an engineer that can guarantee the safety of each one of these mines that was dug in the late 1800's. However, I agree with you. There may be a possibility that some of these mines could be saved. How we get there is probably a process.

COUNCIL MEMBER BANIS: Thanks for commenting.

ACTING CHAIR ACUNA: Are there any other comments for Sterling from the DAC? Okay. And then I think there's a public comment period for this topic. So let's open it there. John, please.

MR. WHITE: John, you want to come stand up here with me?

MR. STEWART: John Stewart, California Association of 4-Wheel-Drive Clubs. Very interesting presentation, and I'm one of those that loves to get out and visit the rich mining heritage throughout the desert area.

And I have seen some of the work for putting the covers -- you know, the cupolas -- over the mines. And yes, that's very good, and you mentioned there's a 6,000-pound point load on them.

Some of these that I have seen I would encourage you to maybe consider having a concrete or a steel post or so where there is a point -- because people are going to be stupid enough to drive on those, and some of the gradings -- there are a couple I've seen. This has been up in the Lone Pine area.

The gradings are wide enough that possibly somebody trying to drive an ATV up on there could get an ATV stuck, or else even walking on them, there's still possibility to fall in. So there's a lot of consideration for public safety. And I'd like to put a bid in for Burro Schmidt and Reward Mine.

MR. WHITE: Thanks, John. We are going back and retrofitting some of the old closures with new technology and using expanded steel on the roofs so that people will not drive into it with a tire or fall through with a leg or foot. So that's very good advice and sound advice. Thank you.

COUNCIL MEMBER SHUMWAY: Mr. Chairman, I have one more question for Sterling.

Sterling, is there a schedule of mines that you plan to close with whatever fashion that the public -- the knowledgeable public interested in history and geology and

mining potential can weigh in on whether to close it or not?

MR. WHITE: At this time, no.

COUNCIL MEMBER SHUMWAY: There's no schedule?

MR. WHITE: I have a schedule of mines that have been funded for closure or for a remedy, but to weigh in on the input, we have not gone out and solicited each mine specifically because it is abandoned.

COUNCIL MEMBER SHUMWAY: Well, okay. Let me follow up, then. If you have a schedule, is it possible for members of the public to find out what a schedule might be, people who track these kinds of things?

MR. WHITE: Yes.

COUNCIL MEMBER SHUMWAY: Okay. So what I'm hearing is that there's no mechanism for the public to weigh in on the benefits versus the disadvantages of keeping it open or closing it, either way?

MR. WHITE: That's correct.

COUNCIL MEMBER SHUMWAY: Because whether it's abandoned or not, it may be still valuable, as Randy has pointed out, as a historical site or simply as a plain geological site. I mean you don't often see geology in three dimensions, so this would be an opportunity, and maybe some people who you don't know about who are either interested in that area scientifically --

MR. WHITE: That is one of our considerations



when we go to closure is geology and future scientific study. In some cases where there may be no wildlife present, we'll still install a gate so that people will have access. Now, the question is, is how? I think it's people who fit within the criteria of geology or future scientific study.

COUNCIL MEMBER SHUMWAY: But these kinds of considerations that you're telling us about are available to the public?

MR. WHITE: The considerations?

COUNCIL MEMBER SHUMWAY: I mean when you make the final decision whether to close a mine or not or close a prospect or close an abandoned site or not, do you have information from the public to consider?

Do you take comments from the public about your plans?

MR. WHITE: Typically no. There is a public comment period for the mine closures during the E.A. process.

COUNCIL MEMBER SHUMWAY: So there is a way for the public to comment?

MR. WHITE: During the E.A. process.

COUNCIL MEMBER SHUMWAY: For each site?

MR. WHITE: Yes.

COUNCIL MEMBER SHUMWAY: That's on the internet?

MR. WHITE: It should be on each of the field office's web page, and if not, people can go and visit with the office and visit with the environmental coordinator with

that office to look at those.

COUNCIL MEMBER SHUMWAY: Thank you.

MR. WHITE: If you know of something that I don't, then maybe we need to have an off-line discussion.

COUNCIL MEMBER SHUMWAY: Certainly.

ACTING CHAIR ACUNA: Are there any other comments for Sterling? Geary?

COUNCIL MEMBER HUND: Yeah, just a quick comment and suggestion. Perhaps for these mines that have been mentioned thus far and any others that come to mind that are of value for recreation or other public purposes, perhaps those folks that are most interested in seeing those mines remain open could work with Sterling and the BLM to discuss the possibility of an alternate solution to public safety concerns. And maybe that could take the form of something like having an engineer evaluate the safety of a particular mine for access, ones that aren't vertical access that people can walk into. If they're hard rock areas, perhaps, some evaluation could be made as to their structural soundness, and if they're structurally sound then, you know, one might -- and there isn't a problem in there that would be visited by people visiting the mine, I could see potentially leaving the mine open if there weren't any vertical hazards, you know, rock fall or whatever.

ACTING CHAIR ACUNA: What's the pleasure of the

DAC? Any other comments to add to that? Okay. This is getting dangerous. We're getting close to the end here. Thank you, Sterling. Excellent job. Thank you very much.

Okay. Now, there is one more order of business.

I'm going to turn this over to Steve, but what I'm going to do after Steve takes care of this matter is I'm going to do a summary. Then we're going to work on the next meeting date and location. Steve?

STATE DIRECTOR BORCHARD: Thanks, Tom.

I would like to take this time to recognize accomplishments of three of our members whose first term as an advisory council member is coming to a close with the close of this meeting.

As I said in my earlier remarks, I talked about the value and importance of the contributions of each and every member and how the role each member plays in contributing to providing advice and steering the BLM in the direction these incredibly valuable resources are managed for our current and future generations. So it's my understanding that each of these three members is interested in reapplying for consideration for a second term, and it's my hope that we will get that application process out on the streets soon and they will enjoy -- BLM will enjoy the pleasure of working with them for another three years.

So please help me congratulate these three members in the completion of their first term. I've got a plaque here

to recognize that. Geary Hund.

(Applause from the audience.)

STATE DIRECTOR BORCHARD: Meg, it's hard to believe three years has flown by.

COUNCIL MEMBER GROSSGLASS: It hasn't been three years.

(Applause from the audience.)

STATE DIRECTOR BORCHARD: And Ron Johnston.

COUNCIL MEMBER JOHNSTON: Well, thank you, Steve.

STATE DIRECTOR BORCHARD: Thank you, sir.

COUNCIL MEMBER JOHNSTON: I thank you.

(Applause from the audience.)

STATE DIRECTOR BORCHARD: Thank you, Tom.

ACTING CHAIR ACUNA: Wonderful, Steve. Okay. So let's go through a few things. There's one thing I'd like to add that was mentioned to me. There was no sign-in sheet for folks to sign in when they came into the meeting today. Can we make sure we do that the in the future? Okay. Great.

Let me kind of go through a summary, and if I miss something from the DAC, please let me know, and we'll add it for the record. We had a heck of a meeting today. I thought we did, in a general sense. As Randy pointed out, we took care of a lot of administrative issues. It was hard, but it's done, and now it's time for rest.

Okay. In the future, when it comes to agendas, I think we made a good step there. We are going to publicize our agendas in advance. We are going to try to circulate internally what those agendas are going to be between the DAC members and the BLM staff so that, when we come to these meetings, the public will know when it is and where we're going before the actual date of the event.

The field reports. We all enjoy having the field managers come up and make a presentation about what's going on in their district. We'd like to continue that, I think. However, time may not permit it. I think we'll have to see how it evolves at each meeting at least at this point. And you guys can correct me on this. It just seemed that way to me.

We had a long discussion about the renewable energy field, lots of things going on. It's not going away. Continued discussion at all of these DAC meetings on renewable is vital, and I'm sorry we weren't able to create a subgroup. We probably need to do that at some point in the future.

There was discussion regarding events, whether they're commercial or recreational and there are fees that go along with that. And I think we talked about it later in the meeting that, if there's money passing hands, no matter what the reason, it becomes a commercial event and is subject to commercial rules.

We talked about the FOIA, the Freedom of Information Act, for Imperial Sand Dunes, and we, the group here at the advisory, are going to go ahead and ask the BLM to process that information and submit it to us. And Dick, you'll be responsible for taking that information back to the subgroup to discuss further.

We had the big vote regarding the TRT's. We closed out at least four TRT's today, and we created two subgroups.

Are there any other items of interest that the DAC would like to add to that summary? Yes, the state director's report. I think what folks wanted to see was that that be published sooner?

STATE DIRECTOR BORCHARD: I think they wanted to make comments on the state director's report.

COUNCIL MEMBER FITZPATRICK: Just a few, but one is, can it be published in some form in more detail? And secondly I wanted to take -- this is combined. I wanted to thank Steve and David for always dating the agenda updates and for providing us with other notices. But I feel like in the state report, especially as we go forward with the words -- with the sentences under legislation, we are in the implementation stage of bills passed at the beginning of this Congress. That means we're in the rule making, and we don't all of us have the time to follow Federal Register. So it

would be nice if somebody in the state would just send us -- because we are sitting here volunteering our time to consider these things, if they could just send us a notice, go to a link in the Federal Register -- I mean is that asking too much? -- on stuff that we're considering, which they list four things.

STATE DIRECTOR BORCHARD: Some of it's rule making. Some of it's -- it may or may not be rule making. Implementation, yeah. We're doing what the Senate and lawmakers have told us to do. We're moving forward. But progress on what we're doing about that legislation? That's what you'd like to see?

COUNCIL MEMBER FITZPATRICK: Yeah. I mean, more pointedly is, if it's rule making, if it's in the Federal Register, then there's the ability to comment.

ACTING CHAIR ACUNA: Could we ask Steve Razo to step in and make a comment.

MR. RAZO: Normally the state director's report is provided in person by someone from Sacramento so they can answer these types of questions. Unfortunately we were not able to get someone, and usually their report comes with them. It literally is done days before they get here so they could be as up to date as possible. So as far as getting you something in advance, that might be tough, but we'll certainly try.

But I think you should expect a state rep here to give that report in person. Then when you have questions like this, you'll be able to give it right to the individual and they can give you a good answer.

COUNCIL MEMBER FITZPATRICK: Okay.

Thank you. And my comment is not to chastise the person that didn't show. It's just to kind of stay current, you know, if at all possible, with those things that they're talking about that might appear in the Federal Register for comment. That's all.

ACTING CHAIR ACUNA: Very good. Meg?

COUNCIL MEMBER GROSSGLASS: Are we taking things that would be added as a possibility to the next agenda?

ACTING CHAIR ACUNA: Yes. I'm glad you brought that up. That's very good. The last thing before I go there, another important point, we had election of officers today and I reassure everyone that Randy and I are going to work together very closely to make these events go smoothly with the help of the BLM in the future. Yes, Randy.

COUNCIL MEMBER BANIS: May I say I think some folks may not be aware, but I don't think there's any member of this DAC that I communicate with more than with Tom, and I think last night's dinner was probably the first dinner in a couple of years where Tom and I didn't actually sit together. And so don't read anything into this. Tom and I have been

working together, and we'll keep working together very closely on this. And it was a way of hopefully building teamwork among all of us. So thank you, Tom, and I'm really looking forward to this time together.

ACTING CHAIR ACUNA: Thank you. I feel the same. Go ahead. Have you got something? Okay. We'll definitely have some room for you. Very close, very close.

The next order of business is, let's plan what we do know is on the agenda for next time. What are the things that we want to talk about specifically, and can the DAC help me identify those? Meg?

COUNCIL MEMBER GROSSGLASS: I hope and pray that this rumored Feinstein bill will be out, and if it is, I'd really like someone from Feinstein's office to come and brief us on it.

ACTING CHAIR ACUNA: Okay. So then the desire is to have some discussion, if possible, from Feinstein's staff explain it.

COUNCIL MEMBER GROSSGLASS: If it's been introduced. If it hasn't, I understand they cannot talk about it, and that's perfectly acceptable.

ACTING CHAIR ACUNA: Myself, I would also like to see the discussion from Greg Miller regarding renewables. That would be helpful to all of us to continue that discussion in the future. April?

COUNCIL MEMBER SALL: Yeah. Along those lines we have the great site tours yesterday, and I'd like to maybe follow up with either a site tour of a geothermal site or some information specifically about geothermal, because there were several things that Greg listed about leasing applications that are moving forward in the Chocolates and other areas that I, for one, am very unfamiliar with.

ACTING CHAIR ACUNA: Very good. Does the DAC have any other items of interest that we can talk about at the next meeting?

COUNCIL MEMBER SHUMWAY: I think Jim Stewart had mentioned -- did you get your question answered about Devil's Hole -- Devil's Canyon?

MR. STEWART: Not a hundred percent, but it's still an official clarification of what will transpire with the Devil's Canyon environmental assessment as it moves forward.

COUNCIL MEMBER SHUMWAY: Is that worthy of an agenda item? It seems like a question that's unresolved. I'm not real familiar with these kinds of issues.

ACTING CHAIR ACUNA: Right. So the discussion point would be an update on Devil's Canyon, the E.A. Is it an E.A. right now? Okay. Environmental assessment. All right. We've got that. I think that's enough. In between if there's something that you feel

we need to talk about, please send us an e-mail, all of us, and let's have that discussion. Yes, Meg.

COUNCIL MEMBER GROSSGLASS: There will probably be a couple more WEMO issues, if I'm allowed to say, that we might be updated on, if AI thinks it's necessary, if there's something that comes up between now and next. It could be that nothing happens.

MR. STEIN: We'll see what transpires.

COUNCIL MEMBER GROSSGLASS: Right, if something happens. If not, you don't need to.

ACTING CHAIR ACUNA: All right. Is there any other public comment period at this time near the end of the meeting here? I don't think so.

Okay. Location and date. Let's talk about that. Do we do this in a quarterly fashion? I think we do, so it would be three months from today, in theory. That would put us out to March, March 12th, somewhere around there. Is that a holiday? Is that a conflict? James, you got something to pull out, a calendar there?

COUNCIL MEMBER FITZPATRICK: Yeah. Just for me early March is tough because I have a flower show every year. That's why I missed the one meeting I missed in Barstow, because I had to go to a flower show.

COUNCIL MEMBER GROSSGLASS: How about the 19th and 20th, then?

COUNCIL MEMBER SHUMWAY: The next weekend would be better for me.

MR. RAZO: Easter is the fourth of April, so you're not in March.

COUNCIL MEMBER GROSSGLASS: So 26th and 27th?

ACTING CHAIR ACUNA: Are there any holidays that occur, then, at the end of March, 26th and 27th?

MR. RAZO: The only one I see is St. Joseph's Day in Spain.

COUNCIL MEMBER HUND: Some people, depending on when Easter Sunday is, might have --

MR. RAZO: Yeah. It's April 4.

COUNCIL MEMBER HUND: I would take that into account.

ACTING CHAIR ACUNA: I think we've beaten that date, though; correct? That sounds like a date we're all comfortable with; okay?

MR. STEWART: What date?

STATE DIRECTOR BORCHARD: March 26th.

MR. RAZO: 26th, 27th?

ACTING CHAIR ACUNA: Yeah, March 26th and 27th. There.

COUNCIL MEMBER MITZEFELT: March 26th, that's Friday, and the 27th is Saturday.

ACTING CHAIR ACUNA: All right. So we have a

<p>date, and now we have to pick a location.</p> <p>COUNCIL MEMBER SHUMWAY: If April wants to go down to geothermal, I'm assuming Salton Sea is the best place; right?</p> <p>COUNCIL MEMBER SCHRIENER: Actually it would depend. If you're going to hold it in the El Centro office, then you have limited field trip time. Then probably the best field would be Heber because it's just outside of El Centro. East Mesa, of course, is on BLM land. It's a little bit further away. Salton Sea is the biggest liquid-dominated geothermal field in the United States at 350 megawatts. It's a little more grandiose, but it's, you know, a better part of an hour's drive from El Centro north to the edge of the Salton Sea.</p> <p>So depending upon your time, you'd have to -- I could facilitate contacting people. Both Heber and East Mesa are operated by Ormat Industries. CalEnergy, my firm, operates at the Salton Sea.</p> <p>ACTING CHAIR ACUNA: That sounds like a splendid idea.</p> <p>COUNCIL MEMBER SHUMWAY: And that's an ongoing property; right?</p> <p>COUNCIL MEMBER SCHRIENER: All three of those are operating fields.</p> <p>COUNCIL MEMBER SHUMWAY: Are any of the proposed</p>	<p>it's warming up to a good idea. I like what you've laid on it here, and I would just lay out in the Sterling Energy Systems in El Centro, large footprint, it would be interesting to have a 101 visual of what are the key issues for that project, whether it be the grading, the visual scenic standards that they're trying to achieve, potential cultural resource issues. And that project is far along enough advanced in processing that it would give everyone a pretty fair idea of what goes into assessment of these projects under NEPA. Dick?</p> <p>COUNCIL MEMBER HOLLIDAY: If you're going to be down there, too, if you're going to go down to where the Sterling Energy plant is, it's only a short drive out to Buttercup to the sand dunes. If you want to go out there and see that, too, that's where the new ranger station is. That's only about a half an hour drive from that.</p> <p>STATE DIRECTOR BORCHARD: We could see the new privies.</p> <p>COUNCIL MEMBER HOLLIDAY: We can see where our stimulus money went or should go.</p> <p>COUNCIL MEMBER SHUMWAY: Some of it.</p> <p>ACTING CHAIR ACUNA: So there you have it, three potential locations I think we can reach in most of the day, and I think we could have some good discussion the following day on those locations.</p> <p>So at this point we're very close to the end here.</p>
<p>fields located nearby, as well?</p> <p>COUNCIL MEMBER SCHRIENER: Yes. The Truckhaven and San Felipe area is located by Salton City. Again that's a little bit more of a drive away. There's a little bit of the Superstition Mountains, a little tough because in the naval range you'd have to go up towards north of Niland to start to get into the Chocolate Mountains sort of area.</p> <p>The prospect itself is going to be pretty tough. Probably the most interesting thing would be to look at -- I'd probably recommend Heber even though it's a competitor, is that Heber has both a flash facility and a binary facility so the two types of technologies. You would have an idea of the footprint of each of those. The Salton Sea is a little bit of a strange field because of its weird chemistry, so the power plants have a little bit bigger footprint only because of the type of resource it is, which is the only one on the face of the planet, so it's really an oddball.</p> <p>The other ones tend to be more typical of what you would find in a Truckhaven or a Niland or one of these other areas, so looking at either East Mesa or Heber would be a better one to examine if you're trying to look at footprint, impact, those sort of issues, so you can visualize what you're going to see.</p> <p>MR. RAZO: And you will have the whole day.</p> <p>ACTING CHAIR ACUNA: Okay. This sounds like</p>	<p>We picked a location. Steve has some more discussion here, and I think we can allow -- first of all, I'll let you go ahead, Steve. Is this a time to say goodbye yet?</p> <p>COUNCIL MEMBER FITZPATRICK: Can El Centro host it?</p> <p>ACTING CHAIR ACUNA: Daniel?</p> <p>MR. STEWARD: Yes.</p> <p>ACTING CHAIR ACUNA: We forgot to ask our host.</p> <p>STATE DIRECTOR BORCHARD: Now is not the time to hem or haw.</p> <p>ACTING CHAIR ACUNA: Steve, I know you're going to conclude here, but all of us here want to say goodbye to you, and we're going to miss you. But for some reason I think we're still going to see you. Your expertise is very valuable, and I'm sure there's plenty of folks that would like to somehow gain your support for their projects at some point in the future. Thank you for being a great leader to us. And with that I'll just have an applause for Steve.</p> <p>(Applause from the audience.)</p> <p>STATE DIRECTOR BORCHARD: Thank you all for that vote of confidence. It has honestly been my pleasure to work with you all and, you know, put our heads together and collaborate and not always agree. Sometimes we disagree, but we disagree in a fashion that means we'll come back to the</p>

table and have dinner with each other and get together again each and every time and continue to work together. And that's the important thing, that we continue to work together.

So it has been my fun. This is what I consider the fun part of my job is working with people and working with people on realizing a common vision. And that common vision is, you know, caring for the public resources and within this multiple use framework. It's a tough job. You have seen that many times in your experiences here and what you read about in the newspaper as you follow the issues that we work on together.

It's not an easy job, but that difficulty is what turns around and makes it a rewarding endeavor for us all. If it was easy, it wouldn't be that rewarding. So thank you for your spirit of volunteerism and your contribution of your time. I applaud you for representing your stakeholders and your interests. And people who do this are the salt of the earth. I'm glad to be a part of it, happy to be a part of it. Thank you.

(Applause from the audience.)

ACTING CHAIR ACUNA: One last item.

Don't forget your expense information for David, and with that

--  
ASSOCIATE DISTRICT MANAGER HAMBY: Has everybody gotten paid for the last two years?

COUNCIL MEMBER GROSSGLASS: We appreciate that.

COUNCIL MEMBER BANIS: Move to adjourn.

COUNCIL MEMBER GROSSGLASS: Second.

ACTING CHAIR ACUNA: And those who would like to adjourn, raise their hand.

(Hand vote taken.)

ACTING CHAIR ACUNA: So be it. Thank you all.

See you next March.

(The proceedings were concluded at 4:16 p.m.)

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## REPORTER'S CERTIFICATE

I, DIANE CARVER MANN, a certified shorthand reporter, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of the meeting of the Desert Advisory Committee.

Dated this 14th day of January, 2010, at Chino, California.

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DIANE CARVER MANN, CSR NO. 6008

## M-O-T-I-O-N-S

- A. Maker: Randy Banis  
Seconder: Geary Hund  
Motion: Thanks and best wishes to Steve Borchard  
Result: Motion carried
- B. Maker: Richard Holliday  
Seconder: Dinah Shumway  
Motion: To file a FOIA for information on trash collection at ISDRA  
Result: Motion carried
- C. Maker: (Made and seconded at last meeting)  
Motion: To create a Rand subgroup  
Result: Motion carried
- D. Maker: (Made and seconded at last meeting)  
Motion: No renewable energy subgroup  
Result: Motion carried
- E. Maker: (Made and seconded at last meeting)  
Motion: To retire Surprise Canyon TRT  
Result: Motion carried
- F. Maker: (Made and seconded at last meeting)  
Motion: To retire Historic Cabins TRT  
Result: Motion carried
- G. Maker: (Made and seconded at last meeting)  
Motion: To create an El Mirage subgroup  
Result: Motion carried
- H. Maker: Geary Hund  
Seconder: Dinah Shumway  
Motion: To support BLM's recommendation on composition of a subgroup  
Result: Motion carried
- I. Maker: Randy Banis  
Seconder: Meg Grossglass  
Motion: To retire Meccacopia and Ivanpah TRT's  
Result: Motion carried
- J. Maker: Randy Banis  
Seconder: Meg Grossglass  
Motion: To adjourn the meeting  
Result: Motion carried